

# U.S. POLICY TOWARD HAITI

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4. F 76/2: S. HRG. 103-739

ARING

Policy Toward Haiti, S.Hrg. 10... MORE THE

SUBCOMMITTEE ON  
WESTERN HEMISPHERE AND PEACE CORPS  
AFFAIRS

OF THE

COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

---

JUNE 28, 1994

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Printed for the use of the Committee on Foreign Relations



U.S. GOVERNMENT PRINTING OFFICE

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# U.S. POLICY TOWARD HAITI

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TUESDAY, JUNE 28, 1994

U.S. SENATE,  
SUBCOMMITTEE ON WESTERN HEMISPHERE AND  
PEACE CORPS AFFAIRS  
OF THE COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2 p.m., in room 419, Dirksen Senate Office Building, Hon. Christopher J. Dodd (chairman of the subcommittee) presiding.

Present: Senators Pell, Dodd, Feingold, Pressler, and Coverdell.  
Also present: Senator Graham.

Senator DODD. The committee will come to order. Let me welcome everyone here this afternoon, as we conduct a hearing by the Subcommittee on Western Hemisphere Affairs on U.S. Policy in Haiti. Just a couple of housekeeping notes. One, first of all, let me welcome the wife of our Ambassador in Haiti, Mrs. Swing, who is here with us in the audience, and we thank you for coming by. And second, Mexico 1, Italy 1, 30 minutes to go in the soccer match. I want to get the important information out here.

I am delighted to have as our first witness, Bill Gray, who is a very close and good friend of mine, who is acting as the special advisor to the President and the Secretary of State on Haiti. We have got a list of other distinguished witnesses. Our colleague, Senator Bob Graham, will be appearing after Mr. Gray, and then a public panel and a technical administration panel will appear, along with various members of the administration. What I would like to do is just take a minute or so and express some of my own initial thoughts on this, and then turn to our lead-off witness, Mr. Gray, for his comments.

It is now almost 3 years since democracy was hijacked—and there is no other way to describe it—once again in Haiti. It was September of 1991 when military and security forces overthrew the lawfully elected government of Jean-Bertrand Aristide and began yet another chapter in Haiti's long history of violence, repression, and bloodshed.

From the very beginning of the Haitian coup, the United States and its partners in the international community have sought nothing less than the restoration of democracy in Haiti and the return of President Aristide to power. This afternoon, we will have a chance to explore, with administration witnesses and outside experts, our progress toward meeting that goal.

Over the past 2 months, the noose has drawn tighter around the Port-au-Prince regime. Last month, at the urging of the United

States, the U.N. Security Council enacted a worldwide trade embargo against Haiti. This was quickly followed by a series of unilateral measures, including a ban on commercial flights and financial transactions between the United States and Haiti, and a freeze on U.S. assets of all wealthy Haitians. These sanctions are clearly having an impact on Haiti's military leaders, as well as on its economic elite.

But sanctions alone are not the only threat to those who would prevent the return of democratic rule in Haiti. Should these sanctions fail, the administration has made clear that it will rule out no option, including the use of military force, if necessary, in order to restore democratic rule to the people of Haiti.

In the past 2 months there have also been a number of important changes in the policy toward Haitian refugees. The administration has joined forces with the U.N. High Commissioner for Refugees, and with our allies in the Caribbean, to establish a temporary processing center for refugees off the coast of Jamaica, and is also in the process of establishing a facility in the British-controlled islands of Turks and Caicos. We look forward to receiving an assessment of that arrangement today.

I want to commend the administration for these important and well-timed initiatives. I also think it is no accident that many of these initiatives coincided with the appointment of Bill Gray to be the administration's special advisor on Haiti. Mr. Gray has seen to it that the administration speaks with one voice on Haitian issues, lending commitment and credibility to the overall policy. As a result, the message we are sending to the military regime in Haiti is loud and crystal clear: for you and your unlawful activities, time is truly running out.

Before turning to Mr. Gray, I would like to add a few additional thoughts of my own on the situation in Haiti. First, I know the administration has begun to plan for what happens in Haiti after democratic rule is restored, and I commend them for that. Plans which emphasize the deployment of a peacekeeping force and the retraining of the Haitian military. But I would also urge the administration to keep in mind, as well, that Haiti also happens to be one of the poorest nations not only in this hemisphere, but in the world. I would hope that the administration has given a great deal of thought to what happens in Haiti on the economic side of the ledger as well.

Finally, I would like to make one additional point, and it has to do with the reason, the reason why all of us are in this room today. I often hear it said on the floor of the Senate and elsewhere that Haiti gets far too much attention, that Haiti is not vital to our national interests. Why are we even talking about it or dealing with it? And I would have to agree that Haiti certainly poses little strategic threat to the United States or to the lives of American citizens. But I would also just as strongly suggest that there is something equally important at stake in Haiti, and that is our credibility as a leader in the fight for democratic values and democratic institutions around the globe.

We are always saying in this country that we believe in democracy, that democracy and human freedom and human rights and values are worth fighting for. That speech has been given ad nau-



seam. But in practice—in practice, I fear that we tend to give far greater priority to our short-term policy goals and our strategic objectives than to anything else at all.

Here we have an opportunity, in this small, poor country, only a few short miles from our shores—here we have an opportunity to stand up for democracy and human rights not because it is in our strategic interests, not because it is in our short-term policy goals, but simply because it is right to do so. That is an awfully powerful message to send to our allies, not to mention our enemies throughout this globe. I trust it is a message that we will not hesitate to send when it comes to Haiti.

And with those thoughts, let me turn to my colleague and friend, Bill Gray, and thank him for being here. We welcome your testimony and any supporting documentation that you would like to share with the committee.

#### **STATEMENT OF HON. WILLIAM GRAY III, SPECIAL ADVISER TO THE PRESIDENT AND SECRETARY OF STATE ON HAITI**

Ambassador GRAY. Thank you, Mr. Chairman and members of the subcommittee. You have a full copy of my testimony. I will not read the entire testimony, but try to select some of the highlights of it and leave more time for questions.

I really welcome the opportunity, Mr. Chairman, to testify before you today. This subcommittee, and you personally, Mr. Chairman, have been instrumental in focusing attention on the difficult issues confronting us in Haiti. Indeed, Mr. Chairman, and members of the committee, many of the measures we are now implementing are steps which you have been recommending for some time.

Mr. Chairman, the objective of our policy has been constant, the return of democracy and of President Aristide to Haiti. What has changed is our sense of urgency in achieving that objective. The Haitian military has abused the patience of the international community, as well as the people of Haiti, for too long. The change in our policy on Haiti that President Clinton announced on May 8 derived from his heartfelt concern that neither the welfare of the Haitian people nor the interests of the United States are served by a continuation of the impasse.

The root cause of human suffering in Haiti is the continued intransigence of the military leaders and their supporters. The President determined, therefore, to step up our efforts to force Haiti's military dictators to give up their stranglehold on that country. At the same time, he directed that all practicable steps be taken to alleviate the suffering of those subject to their oppression.

I am pleased to report that we have achieved significant progress in carrying out the President's decision, and I believe we have done in the manner that the President desires, with multilateral participation, with no quarter for the military regime and its supporters so long as they prolong their illegal hold on power, and with compassion toward their victims.

Mr. Chairman, with your permission I would like briefly to review the measures that we have taken since May 8. We have put in place the most comprehensive sanctions possible. On May 21, as a consequence of the United States leadership, United Nations Security Council Resolution 917 went fully into effect. It adds to the

preexisting embargo on oil and arms a comprehensive trade embargo, a ban on most forms of air service, and a worldwide prohibition on travel and the freezing of all transactions of all Haitian military officers, members of the de facto regime, and their supporters.

On May 26, the special representative of the Secretaries General of the United Nations and of the Organization of American States, Mr. Dante Caputo, and I met with President Balaguer and reached agreement on a plan to improve enforcement of the sanctions along the border between the Dominican Republic and Haiti, and to send international technical advisers to the Dominican Republic to help in that effort.

On June 3, the representatives of the friends of the Secretary General of the United Nations on Haiti, which include Argentina, Canada, France, and the United States, and Venezuela, decided, among other things, to urge on a national basis expanded sanctions that would cutoff all commercial air flights to and from Haiti and ban international financial transactions with that country. The United States barred all air traffic with Haiti effective June 24. Canada, the Netherlands, Panama, and the Dominican Republic have adopted similar measures. Air France is the last carrier now serving Haiti, and we are hopeful that the Government of France will join us in the multilateral consensus on this matter.

The United States prohibited all financial transaction with Haiti persons on June 10, with only very limited exceptions for humanitarian reasons. On June 22, we froze the assets in the United States and in the United States institutions abroad of all Haitian residents. And, at the same time, we have increased our humanitarian assistance. We are currently feeding nearly 980,000 Haitians each day. We have provided temporary jobs to over 37,800 Haitians. We are providing emergency health services to more than 2.2 million people in Haiti.

And we have completely revised our procedure for addressing refugee claims. On June 1, the Governments of Jamaica and the United States announced jointly a plan for shipboard processing of Haitian asylum seekers in Jamaica ports. Joined with us in that effort is the United Nations High Commissioner on Refugees, which is supervising the effort and has joined in a partnership in trying to deal with the refugee problem. On June 3, the Government of the Turks and Caicos Islands agreed to the United States proposals for a land-based processing center on Grand Turk Island.

On June 6, Deputy Secretary Talbott and I attended the meeting of foreign ministers of the Organization of American States on Haiti in Belem, Brazil. A strong resolution was enacted which includes a call upon all member states to assist in the resettlement of Haitian refugees, to support measures by the United Nations to strengthen the United Nations Mission in Haiti in order that it may assist the Haitian authorities in maintaining basic civic order.

And we are now engaged in active consultations in New York with the friends and the United Nations Secretariat to design the reconfigured United Nations mission called for in that OAS resolution. In our view, this mission should be broadly multilateral, with participation from throughout the hemisphere, other countries with ties to Haiti and with experience in international peacekeeping.

The United States, for its part, should be prepared to participate significantly in the military and civilian elements of this mission. As the details of size and composition needed to carry out the expanded mandate called for in the OAS resolution are refined, the administration will be consulting with the Congress regarding the United States participation in UNMIH.

And, at the same time, we are taking steps to provide a free flow of information to the Haitian people. We are working with President Aristide on a system for direct broadcast to Haiti. To me, Mr. Chairman, this capacity to communicate directly with the Haitian people, without the risk of censorship by the Haitian military authorities, is crucial to our endeavors. The Haitian people need to hear from their elected president his message of progress, reconciliation, and nonviolence, to counter the efforts the military regime has made to further polarize that society.

Mr. Chairman and members of the subcommittee, let me conclude by making it very clear that the responsibility for Haiti's tragedy lies firmly with its current military leadership, not with the actions that have been taken in the last 5 weeks. This leadership overthrew Haiti's fledgling democracy. It seized power from Haiti's legitimate government. It ejected Haiti's freely elected president. This leadership is responsible for the suffering of the Haitian people and for their economic hardships.

It is clear to us that the coup leaders still have a choice. They can either leave the country and leave the military institution, or they can stay and destroy those very institutions which they claim to represent. Responsibility of whether that happens or not, we believe, is up to the coup leadership.

Mr. Chairman and members of the subcommittee, President Clinton has determined that our interests require the restoration of the democratic process in Haiti and the return of President Aristide. We are embarked on a clear course and are determined to do what is necessary to achieve this goal. No option is excluded. Democracy will be restored in Haiti and the process of rebuilding that torn nation will begin, with multilateral support.

Thank you, Mr. Chairman, for the opportunity to come and testify before you and this distinguished committee.

[The prepared statement of Ambassador Gray follows:]

#### PREPARED STATEMENT OF WILLIAM H. GRAY, III

Mr. Chairman, members of the subcommittee: I welcome the opportunity to testify before you today. This subcommittee and you personally, Mr. Chairman, have been instrumental in focusing attention on the difficult issues confronting us in Haiti. Indeed, Mr. Chairman, many of the measures we are now implementing are steps which you have been recommending for some time.

Mr. Chairman, the objective of our policy has been constant—the return of democracy and of President Aristide to Haiti. What has changed is our sense of urgency in achieving that objectives the Haitian military has abused the patience of the international community as well as the people of Haiti for too long. The change in our policy on Haiti that President Clinton announced on May 8 derived from his heartfelt concern that neither the welfare of the Haitian people nor the interests of the United States are served by a continuation of the impasse.

The root cause of human suffering in Haiti is the continued intransigence of the military leaders and their supporters. The President determined, therefore, to step up our efforts to force Haiti's military dictators to give up their strangle hold on that country. At the same time, he directed that all practicable steps be taken to alleviate the suffering of those subject to their oppression.

I am pleased to report that we have achieved significant progress in carrying out the President's decisions. And, I believe, we have done so in the manner the President desires: with multilateral participation, with no quarter for the military regime and its supporters so long as they prolong their illegal hold on power, and with compassion towards their victims.

Mr. Chairman, with your permission I would like briefly to review the measures we have taken since May 8: We have put in place the most comprehensive sanctions possible.

On May 21, as a consequence of United States leadership, United Nations Security Council Resolution 917 went fully into effect. It adds to the preexisting embargo on oil and arms a comprehensive trade embargo, a ban on most forms of air service, and a worldwide prohibition on travel and the freezing of all transactions of all Haitian military officers, members of the *de facto* regime, and their supporters.

On May 26, the Special Representative of the Secretaries General of the United Nations and of the Organization of American States, Mr. Dante Caputo, and I met with President Balaguer and reached agreement on a plan to improve enforcement of the sanctions along the border between the Dominican Republic and Haiti, and to send international technical advisers to the Dominican Republic to help in that effort. As a consequence, the Dominican Republic has strongly stepped up its enforcement efforts, and we are well advanced in our efforts to form and equip the international technical adviser team.

On June 3, the Representatives of the Friends of the Secretary General of the United Nations on Haiti, which include Argentina, Canada, France, the United States, and Venezuela, decided among other things to urge on a national basis expanded sanctions that would cut off all commercial air flights to and from Haiti and ban international financial transactions with that country:

- The United States barred all air traffic with Haiti effective June 24. Canada, the Netherlands, Panama and the Dominican Republic have adopted similar measures. Air France is the last carrier now serving Haiti, and we are hopeful that the Government of France will soon join the multilateral consensus on this matter.

- The United States prohibited all financial transactions with Haitian persons on June 10, with only very limited exceptions for humanitarian reasons.

On June 22, we froze the assets in the United States and in United States institutions abroad of all Haitians resident in Haiti.

Together, these measures make clear to the Haitian elites that they cannot remain on the sidelines, but must use all their influence in favor of restoring democracy. Our review of possible sanctions targeted on the illegal regime and its supporters continues, and we are prepared to take still further such steps in the coming days. At the same time we have increased our humanitarian assistance.

The United States has been the leader in the efforts of the international community to mitigate the damage to the health and welfare of the Haitian people of the severe economic and institutional crisis caused by the actions of the military regime and compounded by the unavoidable effects of the sanctions. We are currently feeding nearly 980,000 Haitians each day. We have provided temporary jobs to over 37,800 Haitians.

We are providing emergency health services to more than 2.2 million people in Haiti. We are working with other donors to ensure that essential medical supplies are available to all people in need. We are considering means of helping grass roots human rights organizations to be more effective in their efforts. And we have completely revised our procedures for addressing refugee claims.

On June 1, the Governments of Jamaica and of the United States announced jointly a plan for shipboard processing of Haitian asylum seekers in Jamaican ports. Today, Haitian asylum seekers are being received in Jamaica and processed with fairness and compassion under our new procedures. Pursuant to an agreement I reached with the United Nations High Commissioner on Refugees, Mrs. Ogata, UNHCR is present and cooperating fully in this processing. UNHCR is also cooperating with us in locating countries of resettlement for Haitian refugees.

On June 3, the Government of the Turks and Caicos Islands agreed to the United States proposals for a land based processing center on Grand Turk Island. We are hoping to have our land based processing center there up and running within a couple of weeks. We are also exploring the utility of establishing additional land based processing facilities in other countries.

Our in-country refugee centers continue to offer the safest means of processing refugee applications. Our efforts are producing the international consensus needed to restore democracy and assured basic civic order.

On June 6, Deputy Secretary Talbott and I attended the meeting of Foreign Ministers of the Organization of American States on Haiti in Belem, Brazil. A strong resolution was enacted which includes a call upon all member states to assist in the resettlement of Haitian refugees, to support measures by the United Nations to strengthen the United Nations Mission in Haiti in order that it may assist the Haitian authorities in maintaining basic civic order, and to support and reinforce existing and additional sanctions against the military regime.

We are now engaged in active consultations in New York with the friends and the United Nations Secretariat to design the reconfigured United Nations Mission called for in the OAS resolution. The task of assistance in maintaining basic civic order, which President Aristide requested in his speech in Belem, and which the OAS Foreign Ministers endorsed, will, in our judgment, require a mission of substantially greater size than that originally envisioned to provide only training and monitoring.

In our view this mission should be broadly multilateral, with participation from throughout this hemisphere, other countries with ties to Haiti, and with experience in international peacekeeping. The United States, for its part, should be prepared to participate significantly in the military and civilian elements of this mission. Our preliminary soundings indicate strong support for a strengthened and reconstituted UN Mission, and a widely shared interest in participation in it.

As the details of size and composition needed to carry out the expanded mandate called for in the OAS resolution are refined, the administration will be consulting with the congress regarding United States participation. Meanwhile we are doing our best to protect human rights.

The human rights record of the Haitian, military regime is abysmal, as our own human right reports and the recent report of the Inter-American Human Rights Commission make painfully clear. The only means of preventing the regime from engaging in unbridled murder of its opponents is the vigilance of the international community. At the forefront of these efforts have been the courageous men and women of the joint United Nations/Organization of American States Human Rights Monitoring Group—the International Civilian Mission.

We are working with Ambassador Colin Granderson, the head of the ICM, as well as with the Secretariats of both the U.N. and the OAS to ensure that these vital personnel have all possible support. We have made clear that our leadership in funding this effort will continue. And we are taking steps to provide a free flow of information to the Haitian people.

We are working with President Aristide on a system for direct broadcasting to Haiti. To me, Mr. Chairman, this capacity to communicate directly with the Haitian people—without the risk of censorship by the Haitian military authorities—is crucial to our endeavors. The Haitian people need to hear from their elected President his message of progress, reconciliation and non-violence to counter the efforts the military regime has made to further polarize that society.

A free press is essential to democracy. We envisage a joint collaborative effort, by the Governments of Haiti and the United States to broadcast the message of democracy to the Haitian people, to give them the access to the voices of their own elected leaders, and of American policy spokesmen.

#### UNITED STATES INTERESTS ARE AT STAKE IN HAITI

Mr. Chairman, much remains to be done. But I am confident that we now have in place the basis for a successful conclusion to the Haitian crisis. Why Haiti is important to us as a nation, and how the steps we have taken fit into the President's overall strategy are matters that both the President and I have addressed previously. But they are so important that I believe they bear repeating.

President Clinton has defined our interests in Haiti succinctly:

- First, Haiti is a close neighbor.
- Second, there are approximately 1 million persons of Haitian descent residing in the United States.
- Third, several thousand American citizens live in Haiti.
- Fourth, we believe drugs are coming to the United States from Haiti.
- Fifth, we face the continuous possibility of a massive outflow of Haitian migrants to the United States because of conditions in Haiti.
- Finally, Haiti and Cuba are the only two non-democracies left in our hemisphere, and in Haiti the results of a democratic election were overturned by unconstitutional and anti-democratic means.

As the President's statement indicates, our interests in Haiti are both moral and practical. From a moral standpoint, we cannot stand idly by when human rights are being violated and democracy thwarted. The United States may not be able to right

every wrong, everywhere in the world, every time. This is not an argument, however, against taking action in places where our interests are heavily engaged, and our ability to influence events is substantial. Haiti is such a place. This is such a time.

#### THE DEPARTURE OF THE HAITIAN MILITARY LEADERS

Responsibility for Haiti's tragedy lies firmly with its current military leadership. This leadership overthrew Haiti's fledgling democracy. It seized power from Haiti's legitimate government. It ejected Haiti's freely elected President. This leadership is responsible for the suffering of the Haitian people, for their economic hardship, and for mounting violations of their human rights. When offered an opportunity by the international community to cooperate in the restoration of democracy to Haiti, this leadership broke its word, and refused to carry out commitments into which it had freely entered.

General Cedras and his colleagues will not be given any more chances. Given this history of bad faith and duplicity, neither the international community nor the democratic Government of Haiti can be expected to deal with the military institution under its current leadership. That is why Resolution 917 of the U.N. Security Council specifically links sanctions to the retirement of General Cedras, and the departure from Haiti of General Biamby and Colonel Francois. Only when these individuals are gone can the process of lifting the sanctions begin.

General Cedras still has a choice. He can either leave the military institution or he can destroy it by continuing to pursue his own interests. The responsibility rests solely on General Cedras.

#### CONCLUSION

Mr. Chairman, President Clinton has determined that our interests require the restoration of the democratic process in Haiti, and the return of President Aristide. We are embarked on a clear course and are determined to do what is necessary to achieve this goal. No option is excluded. Democracy will soon be restored in Haiti, and the process of rebuilding that torn nation will begin. Thank you Mr. Chairman.

Senator DODD. Thank you very much, Bill. We have been joined by the chairman of the full committee, Senator Pell of Rhode Island, and my colleague, Paul Coverdell of Georgia.

Mr. Chairman, do you have any comments you would like to make?

The CHAIRMAN. I have no questions, except to thank you for holding this hearing, and I look forward to learning from our witnesses.

Senator DODD. Thank you very much. Paul, do you have any opening comments to make?

Senator COVERDELL. Mr. Chairman, first of all, I want to thank Mr. Gray for his attendance here and his testimony. Thank you for the hearings.

But I do have a question that I hope this hearing will help us to clarify. I am among those in this Congress, and I think in the country, that would be gravely concerned if any American military were put in harm's way with regard to this crisis we face in Haiti. By that, I mean I stand opposed to an option being invasion. I cannot, after reviewing the various documents and details, find a justification for an invasion to address these crises in Haiti.

Within the last 14 days, there have been repeated reports, both in public and among personnel on Capitol Hill, suggesting that an invasion was imminent, that Deputy Secretary Talbott was engaged in discussions with regard to this, and it is asserted that he feels that the invasion is useful for domestic purposes. Obviously, this cannot be an acceptable purpose for the invasion, if one is pending, and I very much, Mr. Gray, would like for you to see if you can clarify these assertions and make more clear to us, the members of this committee and the Congress and the American people, what these discussions were, what they meant, and are

they real, are they factual? Because, if so, I think there would be grave concern. Would the administration come to the Congress if it contemplated such an over activity?

As a second issue, you have made clear that the crisis falls at the feet of the junta, and I do not believe anybody disputes that, but on the various occasions that we have had to discuss the dilemma in Haiti, I have raised the question to what extent does the world, does the United States impose limitations that result in broad suffering by a people in order to achieve a broader goal here? Where is the line in the sand on that?

I mean, it is well enough that we can blame the junta. I think we all, as I said, agree with that. Some of the reports I am receiving from Haiti suggest that the Haitians do not necessarily concur that all this fault falls there, because they are the ones that are feeling the anguish themselves. So I would like you to address both those subjects, if you would.

Senator DODD. All right, well that is your opening comments, I gather. We will get to them.

Let me start off, I can, Bill, with just a few observations or questions to you, if I can. You went through a litany of the things that we have done already, and they have been significant. What else needs to be done, in your view, in the area of the economic or political sanctions, in order to tighten the noose even further?

Ambassador GRAY. Mr. Chairman and members of the committee, we are looking at a variety of further steps that can be taken to help create an environment where the coup leadership begins to come to its senses and makes a judgment that their continued behavior is not in their best interests, and certainly not in the best interests of the country that they purport to represent, or its institutions. I am not at liberty at this time to discuss in great detail all of those that are being considered, but there are a variety of additional economic measures, as well as immigration measures, that we can look at and take to tighten the noose.

One of those, that I will talk about briefly, is the revocation of all visas, which is one that we expect we will take some action on. We are also looking at multilateralizing those actions that we have already taken. When we announced the banning of all commercial airline flights we were the only nation, but now we have been joined by four other nations, which means about 90 percent of all the air traffic has been cutoff.

Senator DODD. Is it just Air France that has the flights going?

Ambassador GRAY. It is now only Air France that has flights into Haiti, and it is our expectation that they will be making a decision. We are also in consultation with other nations in the UN, and also in this hemisphere, Mr. Chairman, with regard to the asset freeze, with regard to financial transaction. Because if you look at the OAS statement in Belem, as well as the four friends of Haiti, it calls upon all nations to consider these additional bilateral steps. So we think that there is still additional room for additional tightening of economic sanctions to create an atmosphere, as well as isolation such as removing visas.

Senator DODD. Without getting into the specific conversations you have had with individual countries, could you describe generally the reaction you are getting, the response you are getting as

you talk to others about cooperation in this area. What is the general thrust of the responses you are getting?

Ambassador GRAY. Mr. Chairman and members of this committee, one of the things that I am most impressed with is the multi-lateral support that the administration is gaining for the policies. If you look at what has been happening, we have the support of the Organization of American States fully, we have the United Nations' full support. This is not a place where you have division, as in other hot spots in the country, but here you have the entire United Nations and the Organization of American States in unity saying these are appropriate steps to be taken, and we expect to continue to work that way.

And the support has been very strong, it has been forthcoming, and the attitude of those nations in the Western Hemisphere and in the UN has been that we have tried negotiations, on two occasions we had agreements, and it was the coup leadership that backed out of the agreements that they signed and that it is time for action by the world community, and particularly by those nations in the hemisphere.

Now, as you draw closer to nations in the neighborhood of Haiti, their desire for action is even more intense, because many of them are feeling the strain of the lack of democracy and the exploitation, because they are faced with overwhelming numbers of refugees that have moved into their island countries, creating a tremendous strain upon their economic and social infrastructure. So the mood is one of strong support in the hemisphere, stronger support in the CARICOM nations, and strong support in the United Nations.

Senator DODD. Let me ask you, one of the comments you hear quite frequently, and one that my colleague from Georgia has just referenced, is regarding the plight of poor Haitians. And as I mentioned in my opening remarks, and which you have also discussed, this is a desperately poor country, the poorest nation in this hemisphere and one of the poorest in the world. I spent more than 2 years living on the border with Haiti and know the country fairly well. It is a great tragedy.

My impression has been that, pitifully, a significant part of this poor population lives outside of the mainstream of economic activity. The issue of imports or exports traditionally, as we understand it, does not impact the lives, regretfully, of the average Haitian. You have mentioned that we are feeding some 980,000 a day with food that is getting in, and supplies.

I recall during the debate on South Africa that similar comments were made regarding the sanctions and embargo and boycott on South Africa; that, in fact, the very people we were trying to assist in all of this were the victims. I wonder if you might comment generally on the thrust of that argument. And I hear it all the time, and yet my experience and my conversations with Haitians is that they believe and are desirous of having a free, democratic country. They obviously want economic opportunity, food and jobs for themselves and their families, but the notion somehow that these sanctions are the cause of their particular plight is one that I think needs to be addressed.

Ambassador GRAY. Well, let me respond, Mr. Chairman and members of the subcommittee. Sanctions do hurt, they do hurt a



country. But a military dictatorship kill people. We have seen that in the thousands of people who have been killed over the last 3 years. You have seen it and Americans have seen it on television as they have watched bodies lying on the road and in trucks and people walking around them, left there all day by the operatives of the coup leaders who have murdered people and have left the bodies there.

Yes, sanctions always hurt, but the military dictatorships kill people and abuse human rights by the thousands. I remember the situation in South Africa because, as you remember, I was the author of the 1986 and 1985 Anti-Apartheid Act. Yes, sanctions hurt in South Africa, but apartheid was killing tens of thousands of people.

Let me make it very clear that, one, if you look at Haiti, you will see that the economic conditions, where the per capita income annually is only \$350 a year, did not occur because of UN Resolution 917 that went into effect on May 21. There have been historical reasons for that, and among them, chief among them, has been the lack of democracy and the lack of free markets.

Wherever we have seen the growth of democracy and free markets, whether it is in the Western Hemisphere or anywhere else, we have seen conditions change. The fact of the matter is if you look back at the time when President Aristide was elected and the period when he was there, we had practically no refugees fleeing that country, coming to this country during that period. Why? Because they understood what we know about democracy; it provides hope, it provides an opportunity.

Second, when you look at the sanctions that we have imposed such as financial transactions, a freeze on assets, a ban on airline travel, that is not affecting the vast majority of Haitians. Haitians from Cite Soleil are not flying American Airlines or Air France either first class, business, or coach class. None of them have great deposits of assets in American banks or financial institutions. So these sanctions that we are stepping up are finely tuned and targeted toward those who have had the power to sustain the coup leadership.

And so those who argue that we should not take action because there may be some pain to the entire society, then leave us with only one other option, which is either to walk away and allow the military dictatorship to impose its will and thus have, in the Western Hemisphere, one democracy snuffed out with a military coup, whereas in the 1970's and 1980's, one of the good things that happened in our hemisphere was we got rid of those military dictatorships and started to see free markets rise throughout Latin America and in Central America. That has added stability to the world and particularly to our region.

I would simply conclude, Mr. Chairman, by pointing out that if we do not try all of these measures, then we must either walk away or turn to other kinds of measures. It is the belief of this administration and this President that democracy must be restored. It is in our vital interests, it is in our neighborhood, it is a place where we are being joined with all of the nations of the hemisphere and the world united in a policy. And where we can influence behavior and make a difference, we ought to do that.

And if we are not willing to do that and use every arrow in our quiver, including these sanctions, then we must be prepared either to walk away and allow that dictatorship to stand, send a signal throughout Central America, Latin America where throughout the 1980's and throughout the 1970's we saw dictatorship after dictatorship come down, democracy rise, free markets come up, or we must take other steps. We believe that this policy ought to be pursued very strongly for as long as possible, be analyzed on a day-to-day, week-to-week basis to see what progress is being made.

We are seeing signs of progress in the last 4 weeks. There are clear signs of dissatisfaction in the military. There are clear signs among supporters of the coup. Some have even called for the coup leadership to step down. That has never happened before until we started tightening sanctions with the entire world opinion with us. And so it is my view that, yes, sanctions do hurt; however, military dictatorships kill and murder people and deny them all of their human possibilities.

And, second, as I ticked off in my testimony, we are spending nearly \$80 million in aid to offset the hurt among the poorest and the neediest people by feeding nearly one out of every five Haitians and providing medicine to over 2 million persons.

Senator DODD. Mr. Gray, let me just on the last point, because it is one that—and then I will turn to my colleagues. I, for one, believe that this policy finally is beginning to have an effect. And I think your last comments about the evidence in the last several days of the squeeze beginning to take its toll is accurate.

I also would regret to see this country get involved in a military engagement in Haiti, particularly at this juncture. But I want to emphasize to you a point that I think, regardless of the situation, that we ought never to announce to the world what we are never going to do in these situations where there are interests involved, particularly this close.

I, for one, never advocated excluding that option during the Reagan and Bush administrations in Latin America. I believed we ought never exclude that. I did not believe we needed to move to it, but nonetheless never thought we ought to exclude it. I cannot think of anything more harmful to our present efforts to utilize the political and economic tools to bring about the change than to simultaneously announce that it is also the policy of this country that we would never exercise that other arrow in our quiver. I do not think we ought to jump to it, but I do not think we ought to exclude it. If you exclude it, in my view you will do significant damage to your ability to make the political and economic and diplomatic efforts fail. And I wonder if you might just comment on that general observation.

Ambassador GRAY. Well, I think that is true, Mr. Chairman and members of the committee, that you have got to have every option available in order for any of them to be taken seriously and to have credibility. One of the things that we have been trying to do in the last 4 or 5 weeks is send a very serious set of credible messages that are loud and very clear.

And I am happy to say that I believe that that has been happening, and not simply from the United States but from the Organization of American States, as well as the world community, because

they are supporting overwhelmingly this effort. And every one of the steps that have been taken are multilateral steps. I do believe that the President feels very strongly that we must keep all options on the table as we look at this situation in Haiti, and that includes even the military option.

Senator DODD. Senator Coverdell.

Senator COVERDELL. Well, I, first of all, appreciate your testimony, and you have contributed to some comfort for me in terms of the application of the sanctions. I think you make an excellent point of the targeting and bringing the pressure on those for which we would most want to suffer. Obviously, we have been concerned about the point I raised about the innocent, by the investment that you have alluded to in terms of food and medicine.

I do think that is a question, though, you always have to keep in the balance as you weigh these things, and try to bring about a correct solution, just who is paying the price and who is not. And I have raised the question each time we have met on the subject, and you have made me more comforted about it.

With regard to the military option, well, I guess the option always has to be there, and I agree with the strategic statement that the chairman made. I, nevertheless, think it is important—and we have no alternative because of the nature of our process here—to talk about these things such as we are in this hearing. And I am very concerned about the ramifications of an invasion, and I am concerned about the language that was reported with regard to contemplation of an invasion and what its purposes would be.

And so, as I said in my opening statement, I would like for you to elaborate, if you could—I am sure you have seen all these statements as well. I think we can talk about this without removing an ultimate option.

Ambassador GRAY. Senator, if I might respond to your opening statement and the question was implicit in it. First of all, the President has made it clear that every option must be on the table as we look at ways to change the behavior of the coup leadership, and not simply change their behavior but have them step down. And, thus, the military option is on the table.

Second, with regard to the comments you made with regard to the Deputy Secretary of State, Mr. Talbott, that was in reference to a news story that occurred several weeks ago that said that documents of the United Nations had conversations interpreted by a UN official that said Mr. Talbott believed that there was going to be military action taken very shortly. I think the timing in those documents was July. I think it also implied not that it was being done for domestic reasons, but the document had a phrase called “domestic pressure,” i.e. refugees, et cetera.

Number one, I have talked to the UN official who supposedly was the author of those memos, Dante Caputo, who is the United Nations and OAS special envoy on Haiti, my counterpart for the UN. He has assured me that that was not his interpretation of his conversations with Mr. Talbott, that Mr. Talbott never said to him that there will be a military action taken in July, nor that this was being contemplated as a result of any domestic pressure, including refugees. And so I think that needs to be reflected. Mr. Talbott issued that statement, Mr. Caputo issued that statement, and a

spokesman for the United Nations issued the same statement on behalf of the Secretary General.

Let me turn to the other part of your question, and that is the President will comply with all international and U.S. law with regard to any option that he takes. We want to be in consultation with the Congress as we move forward in this policy, just as we are consulting with other nations in the hemisphere and in the world community. And so I think what I would say to you, if we wanted to get to a bottomline, is that, one, is the military option on the table? Yes, it is. Is there an imminent action about to be taken? No, it is not, but that option is there on the table and we will assess the effect of sanctions each day, each week, to see if there is a change in the Haitian situation.

What is the change we require? We require that the coup leaders live up to the document that they signed nearly a year ago, the Governors Island Accord, and step down and allow democracy to return and the elected leadership, that was elected by nearly 70 percent of the vote in an election that every international observer said was free and fair, to return. That is the change that we seek. That is the change that the international community has said must take place.

Senator COVERDELL. Mr. Gray, I agree with those laudable objectives. I just am suggesting I do not know that I would want to be the person that delivered the message to the family of an American soldier that they had died over this dilemma. And I think that that needs to be weighed very, very carefully.

A clarification. With regard to the sanctions, you have had growing international support. You mentioned OAS, the United Nations. Have there been any positions taken by those organizations with regard to the military option?

Ambassador GRAY. At this time I am not in a position, Senator, to comment on any nation's reactions to a military option. If you ask me what was my general impression after 6 weeks of being on this job, I would describe it generally as saying if you are close to the fire, you want as much water put on it as quickly as possible. If you are further away, you are willing to discuss, look at it a little bit longer.

In other words, my impression is that the countries that are closer to Haiti want some immediate action taken as soon as possible, because they are adversely affected. Countries that have had a history of dictatorship want some action taken, because they know the message that allowing a military dictatorship to exist in this hemisphere sends to what had existed in the eighties and the seventies before freedom started to break out all over in the Western Hemisphere. Those that are further removed, that have fewer interests, are willing to give other options more of a chance to work.

Senator COVERDELL. Mr. Gray, I put myself in the latter option. Thank you.

Senator DODD. Thank you. Mr. Chairman.

The CHAIRMAN. Thank you very much. Some Members of Congress have questioned President Aristide's commitment to democracy and human rights. In your view, how did Aristide's performance compare to the people who were there before him and the military junta that came in after him?

Ambassador GRAY. The performance of President Aristide in the brief period that he was President was a far superior performance in leadership and moving in a democratic way than anything that I know that has been there before or since. I think that one of the responses that I would like to give generally, Senator Pell, to that issue, is that—and I have heard people imply and question whether or not President Aristide is the best President for Haiti.

I always say in response to it that democracy is democracy. People vote for who they want, just as they do in America. They vote for Senators, they vote for Congressmen, they vote for President. And I am sure all of you know that there are some people—very few, I am sure—in Rhode Island who would question whether or not you should be here, but that is the democratic process. They do not have a right to take guns and turn you out of office simply because they do not think you are the best. And when I look at President Aristide in my conversations, I have not seen anything in my contact with him that would have me question to be a democratically elected president in that country.

The CHAIRMAN. In connection with the damage that is being done there now and the killing, how many actual American citizens have been killed in the course of this unrest?

Ambassador GRAY. To my knowledge, I do not believe that we have lost an American citizen at all during this period of coup leadership. But there have been thousands of Haitians who have been killed, maimed, and raped, which has been clearly documented by international human rights organizations and by the American media.

The CHAIRMAN. In connection with saving the people or securing the people on the boats and rafts, what is the proportion of Navy vessels to Coast Guard cutters?

Ambassador GRAY. Predominantly we are using Coast Guard cutters for the interdiction of those who leave Haiti seeking asylum on the high sea. There are some Navy ships that are involved, and they are taken, currently, to Jamaica, where they are processed aboard ship in Jamaica, and a determination is made about their asylum status.

The CHAIRMAN. Thank you very much, and good luck to you in your very tough assignment.

Senator DODD. Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman.

Mr. Gray, I regret I have been tied up in another meeting, but understand that you gave a very strong statement, including the open belief that the sanctions are starting to work. And I congratulate you for that. I was one of the Senators, under the leadership of Senator Dodd, who felt that more could be done, and since you have been involved it is clear that the heat has been turned up, and I am very hopeful that it will succeed in removing the generals from Haiti and putting President Aristide back.

I also share Senator Coverdell's concern that we want to stop short, if we can, obviously, of using American military force. That is a difficult proposition to explain to the American people. But I also respect and believe that it should not be simply taken off the table, so that the generals know just how very serious we are about restoring democracy to Haiti. So, again, I congratulate you and

hope the committee can be helpful in keeping the heat on the junta in Haiti.

I understand you referred to broadcasts to Haiti, Radio Democracy. What is the purpose of these broadcasts? Can you give me a little sense of what the subject matter will be? Will it be part of the Voice of America?

Ambassador GRAY. The broadcasts that we are talking about will provide an opportunity for the people of Haiti to hear their elected leadership and to have free flow of information, which they have not had now for over 2 years. It will have an opportunity for President Aristide to speak to the people there, to talk about his message of reconciliation and exactly of what his plans are upon his return with regard to the military, with regard to the economy, with regard to reconciliation, with regard to political compromise, in order to move the country forward.

We think that that is extremely important. He has not had an opportunity to talk to the people of Haiti. The people of Haiti have received a steady diet of disinformation from the military regime and its supporters, and this would be an opportunity for President Aristide and also for the United States to clearly articulate views in contradiction to the military regime.

Senator FEINGOLD. I am pleased to hear that President Aristide will have this available to him, and I assume he is eager to take advantage of it.

Ambassador GRAY. He is quite eager to have the opportunity to articulate his views, as so much of what has been said in Haiti and around the world has been a distortion of his views.

Senator FEINGOLD. Who will be writing and editing and broadcasting the programs, and how will the Haitian people be informed of the broadcasts?

Ambassador GRAY. The programs will be done on the joint authority of the Haitian Government of President Aristide and the U.S. Government. Each will review all programs before they are broadcast, with a right of review. And they will be broadcast on a daily basis. It is our expectation that it will start some time next will.

Senator FEINGOLD. How will it be financed? What is the budget for the broadcast?

Ambassador GRAY. It will come out of United States funds.

Senator FEINGOLD. Do you have any idea what the amount would be?

Ambassador GRAY. No, we do not have an exact cost at this time as to what it would cost to do this. It would depend on how long the broadcasts will be and how many per day, per week, and during a month. We hope that we can give you an estimate very shortly, once we finalize the arrangements. The arrangements have not been finalized. We expect them to be finalized this week.

Senator FEINGOLD. I mentioned earlier—and I gave you a lot of questions at once—but will this be under the auspices of the Voice of America?

Ambassador GRAY. No, it will not. It will be directly under the auspices of the U.S. Government and the Haitian Government, and it is being done by aircraft that has the capacity to broadcast and override all of the frequencies of Haiti broadcasting.

Senator FEINGOLD. Let me switch gears to the announcement that the provisional president, Emile Jonassaint, has announced that elections will take place in Haiti later this year. What has been the U.S. response to this announcement?

Ambassador GRAY. The U.S. Government and the administration does not recognize this government that is the puppet government put in place by the coup leadership. It has not been recognized by any government in the world. It is a puppet government put forth by the coup leaders and, as such, we do not recognize its pronouncements or its statements and find that they are unconstitutional and illegal.

Senator FEINGOLD. And as to refugee policy, is it your feeling that the new refugee policy, our United States refugee policy for Haitians, will result in a fairer procedure? And is it in compliance with international norms and standards for the treatment of refugees?

Ambassador GRAY. One of the biggest changes, Senator, that we have made has been the handling of refugees. As you know, prior to May 8, there was a direct-return policy which was the policy not only of this administration, but the previous administration, where all who were interdicted were returned and told to go to the four in-country processing centers.

The President, as a result of the increase in human rights abuses, deteriorating conditions, felt that there needed to be a change in that policy and that there needed to be hearings and a fairer procedure. What we have done has begun to change that policy, first, by putting together an international effort. We now have a partnership with the United Nations' High Commissioner on Refugees, the foremost authority on refugees. The standard that is being used is the international standard.

Second, as a temporary measure we are using ships in Jamaica's harbor. The Jamaican Government stepped forward, recognizing that this is a hemispheric problem, not a United States problem alone, and has given its harbor and much of its infrastructure to support these two ships where refugees are being processed. At the same time, we pursued a policy to get other nations involved and we signed a memorandum of agreement and work has already begun on the land-based center at Turks and Caicos Islands, on Grand Turk Island, in the Caribbean. And we are in the process of talking to other countries about land-based processing centers, as well as the potential for safe havens.

Senator FEINGOLD. You are talking there about processing, the help of the other countries in processing, or are there talks with other countries about actually accepting Haitian refugees? Is that what you are referring to?

Ambassador GRAY. I was getting ready to go on and say yes, the second part is not only processing, but also the United Nations Commissioner on Refugees is talking to other nations about resettlement of refugees.

Senator FEINGOLD. Can you tell us what some of those countries are?

Ambassador GRAY. Well, at this time we have had about six countries that have expressed a willingness to consider taking Haitian refugees. We have about a dozen others that are looking at the

possibility of taking Haitian refugees for settlement. They will be making their own announcements. Senator, we prefer to let them make the announcements after they have gone through their process, but this is what has happened as a result of our partnership with the United Nations High Commissioner on Refugees.

And the fact is that we are approaching the refugee problem in a very similar way as we are looking at the democratic, diplomatic problem. That is, that it is a multilateral approach that we are pursuing here, because it affects the entire hemisphere. And so we expect other nations to provide for resettlement as well.

Senator FEINGOLD. Do you expect them to make those announcements soon, any of them?

Ambassador GRAY. Yes, we expect them to be announcing very soon what each country will do. Some of them will take significant numbers and others will take a few numbers.

Senator FEINGOLD. Thank you, Mr. Chairman.

Finally, I have one question. Mr. Gray, do you believe that the bulk of Haitians seeking refugee in the United States are fleeing economic troubles, or do you believe they are trying to escape political persecution?

Ambassador GRAY. It is my view, Senator, that what you have is a combination. You have a deteriorating situation where human rights abuses are increasing, where people are living in fear, but at the same time you also have a deteriorating situation in the poorest country in the Western Hemisphere where the per capita annual income is \$350. It is very clear that if the coup leadership was not in place and that democracy was there, as we look at the figures where President Aristide was there, you would not have this refugee problem, even though the poverty situation would not have significantly changed.

The reason, I believe, is that in democracies people have hope and they have the possibility of changing the economic condition. And so it is my view that you have a combination of motivations as to why people are leaving that country, and the job of the processing centers that we have put in place now is to give a fair hearing to people, to make their case when seeking asylum, and to make the determination of those who are in real danger and to provide them with a safe haven and resettlement.

And we have started that process. It is moving along. We have to continue it. At the same time I would, again, remind the committee that ultimately the solution is not the effect, but it is the cause. And the cause is the lack of democracy and economic opportunity, and you will not get economic opportunity simply by removing the sanctions, because that country has its economic conditions of long standing as a result of dictatorship after dictatorship. And so we have a real opportunity here, Senators, to change the course and to bring stability to the region by restoring democracy and allowing free markets.

Senator FEINGOLD. I thank you for your answer.

Senator DODD. Thank you very much, Senator Feingold.

Just a couple more questions, Bill. One is would you comment on the continuation of some of the human rights violations that were reported in the past? There was—for the first time in my knowledge, rape had become a tool of human-rights violations in Haiti.



Even under the Duvalier governments, rape was never utilized as a tool. Kidnapping, mutilation of corpses, scorching villages, is this still a problem?

Ambassador GRAY. Yes, it is, and an increasing problem, especially the rape of women. As you pointed out, there has not been a history of that in Haiti, but we are now seeing it as an obviously political weapon. And there are many people who are coming forward and testifying, people who have seen it, children who have had to watch while mothers are raped simply because they do not support the coup leadership, because they supported President Aristide or because they supported someone who spoke up and spoke out against the military dictatorship. So, yes, human rights violations are increasing.

Senator DODD. Second, you have talked about the tremendous cooperation that we are receiving from the international community, particularly in this hemisphere, on a number of the sanctions areas, the consensus about the need for change, and the like. I think a very important message to Haiti is some sense of what can come afterward. You talked about hope being a key element of democracy, and I agree with you. We have had discussions about a peacekeeping force, training of police officers or military personnel in Haiti after the departure of the military leadership.

What conversations and discussions have there been with the international community about any significant assistance to Haiti to put people back to work, infrastructure, housing, roads, water? This is one country where a modest amount of investment could make a significant difference, given the wage levels and the like, where providing meaningful international cooperation in this area would seem to me to be a very important message to not only the average Haitian but to the business community and others, that not only is there a desire to restore and return President Aristide and restore democracy in the country, but also to achieve international cooperation in giving Haiti the chance it has never had, and that is to get on its feet economically through international efforts?

Ambassador GRAY. Senator and members of the committee, going back to the Governors Island Accord which the coup leaders refused to comply with after they signed it, it was clearly implied in that agreement that the Western powers and the United Nations would be a part of an international effort to change economic conditions. Discussions with regard to what comes after the coup leadership steps down are ongoing.

The four friends of Haiti have made it very clear in their statements during the month of June that there must be a plan to bring about economic revitalization. The Organization of American States, at its conference in Belem, also made it very clear that there must be a community, worldwide community effort to bring about a change in the economic conditions. And I believe that President Clinton and this administration is already committed to join with others.

Because, Senator Dodd, you are absolutely right, a little bit can go a long way in a country like Haiti where the per capita income annually is only \$350. And so there is a commitment from this administration to join with others, and we have already seen others

articulated in the statements out of Belem and out of the four friends and out of the Governors Island Agreement, to do just that, and there are ongoing discussions as to how that can be carried out.

Senator DODD. So it is—getting down to the details of this—with the World Bank, the Inter-American Development Bank, the lending institutions. This is a very real effort being made.

Ambassador GRAY. This is a very real effort, and everyone who is involved in the community of nations knows that it is now simply enough to get the coup leadership to step down, to return President Aristide, but also to join in an international effort to help turn that economy around, which would go a long way to ensuring democratic institutions can grow and the values that are associated with it and, second, would also begin to deal with the tide of refugees that are looking for economic opportunity.

Senator DODD. Two other last quick points. There has been a lot of talk about a UN peacekeeping force or a multilateral peacekeeping force. I have all sorts of numbers being bandied about about the size of that force. Would you care to share with us today what is the contemplated size of such a peacekeeping force?

Ambassador GRAY. At this point, Mr. Chairman and members of the committee, there has been no decision made on the exact shape or size of that contingency. The United Nations Mission in Haiti grows out of the Governors Island Accord, where it was recognized that the military and the police need to be retrained, professionalized, and as a part of that agreement there was a United Nations Mission that was set up.

If you remember, the coup leaders refused to allow—the first sign that they were not going to comply with the Governors Island Accord was that they refused to allow the first contingent of UNMIH to land; it was the Harlan County. It is now very clear that the situation has changed. Under the original United Nations mission it called for a smaller force with a more narrow mandate, simply because it was expected that there would be cooperation on the part of the coup leaders and their supporters in the return of democracy. That clearly is no longer the case.

Regardless of how those coup leaders leave, the fact is that you will need a stronger, a wider, broader mandate for the United Nations Mission besides simply the professionalization and training. It would also have to have civic order, you would also have the protection of international organizations, you would also need to have protection of democratic leadership. And so at this point—

Senator DODD. But let me ask you this, is the number 15,000 is the ballpark?

Ambassador GRAY. No, I would not say that it is necessarily in the ballpark. I know there have been press reports, but a number has not been agreed upon. We are expecting to get an authorization from the United Nations, hopefully this week, and then the Secretary General will determine what the strength and size will be. We will be arguing—this administration will be arguing for an increased mandate and an increased size. What that size is going to be has not been determined, so I cannot confirm the press reports.

Senator DODD. I understand that.

Last, the visa issue. You raise the point that revoking—or you are currently considering revoking the visas of all Haitians. Can you tell us when you expect a decision on that and would it also include revoking the business visas of Haitian businessmen, for instance, in this country?

Ambassador GRAY. It is my expectation that perhaps this week there will be a decision made with regard to the visa issue and it will revoke all visas except for humanitarian reasons, and they would be considered on a case-by-case basis.

Senator DODD. Thank you very much. Senator Pressler.

Senator PRESSLER. Thank you.

What has been your personal experience of working with Mr. Aristide? I heard yesterday on a television broadcast that he had said he would not return to Haiti if he were brought back by military force. That seemed to be something new to me. Are you aware of that?

Ambassador GRAY. Yes, I am, Senator. First of all, I think the President of Haiti has made it very clear and been very consistent, and he has said it right from the beginning, that under the Haitian constitution, that if he were to call for an international intervention or one country to intervene, that he would violate the constitution and be subject to impeachment. On the other hand, President Aristide has called for the international community to participate and take part in the United Nations Mission in Haiti, and he has also said on numerous occasions, including at Belem, that the international community and the OAS should take whatever steps are necessary to restore democracy to Haiti.

President Clinton, in citing the reasons that the United States might have to act, has stressed the issue of U.S. interests that are engaged in Haiti. So I think that President Aristide has been very clear and consistent in his pronouncements about the use of force.

Senator PRESSLER. Now, what about the international support for U.S. policy? What other governments are cooperating with the United States in implementing various sanctions we have imposed, the asset freeze, suspension of commercial air service, visa denials, and so forth? And also comment on the cooperation of the Dominican Republic.

Both countries that are cooperating, I guess, to restate the question. Maybe the two or three countries that are cooperating the best and the two or three countries that are cooperating the least from whom you would like to see more cooperation from.

Ambassador GRAY. Senator, I have got to tell you, there has been overwhelming cooperation. I do not know if I can even use the best and the least. I think there have been delays. Some countries have had to go through a different kind of process in determining what support they can give to individual bilateral sanctions. They have all supported—all nations have supported the UN Resolution 917; the OAS especially has been very very clear and very strong on that.

There are a number of additional restrictions that have been imposed by various countries, such as the commercial airline ban, that only five countries have a part in doing those, so it would not be worthwhile for Aero Mexico to ban flights since they do not fly there. The countries that do fly there, all of them have joined in

banning those flights except for one, Air France, and we are expecting that they will be making their decision very shortly.

With regard to financial assets and a freeze on assets, we have—I believe Canada has joined in imposing some restrictions in that area. We are expecting some other nations to join. But, again, it depends on the country where there would be significant Haitian assets, and that is why these sanctions have been imposed bilaterally as opposed to under the umbrella of UN 917. So I would say, Senator, that all of the countries have been very, very supportive in trying to, one, impose 917, which is the umbrella sanctions of the UN and, second, to join us and other countries as they see fit and as they have the ability to do so, in the other bilateral restrictions.

With regard to the Dominican Republic, I visited the Dominican Republic and met with President Balaguer, along with Dante Caputo, the UN special envoy, and he made a commitment which we believe he is trying in good faith to keep, which is to seal the border. We saw immediately within 2 or 3 days after our visit a movement of about 10,000 troops to the border. Many of the pictures that we had seen the first weekend that the sanctions took place on May 21 stopped immediately.

The President of the Dominican Republic has agreed to the recommendations of a UN team that was sent by the Secretary General to analyze how to close and seal that border. Currently the President of the Dominican Republic has signed off on all of those recommendations, and currently the implementation of the recommendations is moving forward.

Now, if you said to me have we been able to seal that border 100 percent, the answer, Senator, is no, just as we have not been able to seal the borders of Southern California or Texas. But have we made tremendous progress in the last 4 weeks? The answer is yes. And with the arrival of the technical advisory team, which we expect to be in place in a week or so with additional equipment that the need in order to seal, such as night-vision goggles, which would help them in the evening to detect smuggling, we believe that we will have a much more effective sealing of the border. So there is cooperation on the part of the Dominican Republic.

Senator PRESSLER. What if we adopted three basic approaches in our policy to Haiti, what would happen within a year's time that is not happening now? First of all lift the embargo. Second of all, make a clear statement the United States will not invade. Third, on the immigration matter we would just proceed with traditional visas, legal immigration policy, and maintain current refugee policy. That is, we would not accept massive immigration except through traditional routes.

Those would be three things we would announce and do: lift the embargo, make a clear statement we will not invade, and take a traditional approach to immigration. What would happen differently that is not happening now?

Ambassador GRAY. Essentially, it would be my view, Senator, that if you announced those, essentially you would be saying to the coup leadership Haiti is yours; do whatever you want with it. Because lifting the embargo would not change—

Senator PRESSLER. What are we saying now, though? What are we saying now?

Ambassador GRAY. We are basically applying pressure to them and their supporters, giving them a choice.

Senator PRESSLER. Well, you can still apply pressure by saying you hope democracy will evolve and so forth. What would be different after that.

Ambassador GRAY. Well it would be very unique. I do not think we ever said that anywhere in the Western Hemisphere during the 1980's or the 1970's, to help bring about change of dictatorships. If you lift the sanctions, you would be disagreeing with the entire OAS and the UN, and you would be essentially saying we will just continue to talk with you and hope to persuade you, even though we did that for 2 years and had two agreements which they refused to comply with after signing it. So my viewpoint is if you want to lift the sanctions, you lift them, and essentially all you will do is ensure that a military dictatorship survives, thrives, and democracy will never come to Haiti.

Senator PRESSLER. Well, you see, there I would disagree with you somewhat, because I believe—where we have a disagreement is I think the embargo is hurting the poor the most, and if the embargo were lifted there would be more prosperity, more economic activity, and a chance for people to have some resources that they could use to work through toward democracy. Now you can say a lot of things on both sides of this.

Let me ask you personally, do you favor a military invasion by the United States?

Ambassador GRAY. I favor the United States following the policy that we are pursuing now, pursuing the policy multilaterally of applying pressure to the coup leadership to step down through economic sanctions.

Let me respond—because I do not think you were here earlier, Senator, but I responded to the poor question.

Senator PRESSLER. You do not have to repeat it. I can read it.

Ambassador GRAY. But I think you are right. Sanctions do hurt, but let me assure you, Senator, that the poor of Cite Soleil and the rural areas are not lining up to get on American Airlines or Air France to buy economic, business, or first class to come to Miami to shop. The poor do not have assets in the United States. The poor do not have financial transactions that they are taking in the United States.

So I believe my response is that these sanctions are targeted, they are affecting primarily those who can bring about a change, and at the same time we are providing meals for one out of every five Haitians today. We are providing 2.2 million Haitians with medical care. So we are offsetting, on the humanitarian side, many of the negative effects. And so sanctions are not hurting the poor in a society and sanctions did not create the poverty that you find in Haiti where the average income per capita is \$350. And so these sanctions have only been in place now for 5 weeks, since May 21.

Senator PRESSLER. We have created the expectation that if the military government does not leave, something dramatic like an invasion is going to happen. Therefore, those Haitians who might be motivated to try to make a change within their own country are

not going to do that; they are waiting for this great moment that is going to come. It would seem to me that that great moment when U.S. troops will invade will not occur, because I do not think Congress or the President will allow that to happen.

Would it not be better to be very clear about what we really will do and will not do? I think it is worse to threaten an invasion and then not carry out the threat, to raise expectations, for no reason. But at some point, if we are going to have a democracy in Haiti, and I am for that, and prosperity, the Haitian people have got to decide that they are going to do this thing for themselves; there is not going to be anyone from the outside who is going to do it for them. We are creating an illusion in Haiti that we are going to do something that we really do not intend to do, ultimately.

How would you deal with that argument?

Ambassador GRAY. First of all, I would say that the President has made it very clear that every option is on the table, including the military option. We are not dealing with illusions here; we are dealing very clearly with the faction that a bunch of military people with guns have taken over a country. That is unacceptable. It threatens our interests, it threatens peace and stability in the entire region, and that is why the entire worldwide community has joined in condemning it and seeking to oust them.

Second, I would simply say to you that I do not see this group of leaders, simply through talking to us, walking away. We have had two negotiations. Each time agreements were reached, promises were made, and it was the coup leaders that refused to. The fact of the matter is that the people of Haiti cannot oppose the coup leadership who has the guns and the weapons. That is why it is necessary for the world community to bring the kind of pressure that we are bringing, and to do it in a very strong, credible manner. So I would say you would have to continue that.

Senator PRESSLER. Well let me say I am strongly against military dictatorship and I am for democracy, but we could apply a lot of pressure without threatening a military invasion which will not occur. I think the embargo is a mistake. That is just my view. I think that if we took those steps a year from now, we would be closer to real democracy because the Haitian people would see that they have got to get this job done.

Right now they are expecting us to do something that we are not prepared to undertake. I think even if people cannot fly to Florida for the weekend, the embargo is going to strengthen the military, rather than weaken it. That is just one Senator's judgment. So I would like to see a change in our policy, and I guess we are just at a disagreement.

Senator DODD. Thank you very much. I would just suggest—I would be curious as to the outcome of an amendment that someone might offer on the floor that would lift sanctions and state firmly that we would never use military force and establish normal diplomatic relations with Cuba, and what the reaction might be that this would somehow bring about the desired change in that country. I suspect that such an amendment would be soundly defeated if anyone suggested that that approach was going to achieve the desired results.

I do not know if this one will. I do not think anyone can say with any certainty, but if we cannot make sanctions work here, we ought to scrap that policy everywhere else on the globe. If you cannot make it work in this country with the kind of cooperation we are getting—and it would be very helpful in this case for those who do not like the military option—and I appreciate that here. You cannot not like the military option and not like the sanctions and expect to achieve change. And we ought to be all singing out of the same hymnbook at least on the sanctions issue, to try and bring about the desired change.

And let me underscore your efforts on the visa issue. I realize that is a controversial question, Bill, but I want to strongly support your efforts in that regard. I think you have got to send a very clear, strong, firm message that we are very serious about this and that there are no deadlines associated with this. This will exist in perpetuity, if it takes that time to bring about the desired change. And I think you have got to be willing to make those kinds of commitments if it is going to be successful.

So I thank you immensely for your presence here today, and look forward to working closely with you. And stay in touch. There may be some additional comments or questions that members would like to submit to you, and if they do we will get them along to you, but we will be in touch.

Ambassador GRAY. Thank you very much, Mr. Chairman and members of this distinguished subcommittee. I have appreciated the opportunity and will be glad to respond to further questions that you may have.

Senator DODD. I thank you.

Let me welcome Bob Graham, our colleague from Florida, if he is still here. I presume—I saw him walk in at one point. Bob, there you are. I said I would call you. Bob Graham, our colleague from Florida, obviously has a strong interest in the subject matter both personally and from a constituent interest standpoint. And, in addition to that, he spent a few days in Haiti a week or two ago. And we welcome your comments here this afternoon and are pleased that you asked to come by and share your thoughts with us, and we will go right to your statement.

#### **STATEMENT OF HON. BOB GRAHAM, U.S. SENATOR FROM FLORIDA**

Senator GRAHAM. Thank you very much, Mr. Chairman.

Mr. Chairman, I want to express my personal appreciation for your holding this series of hearings on this important issue of American foreign policy. I know how personally vested you are in the issue of Haiti, the many times that you have visited that country, and the leadership which you have provided. I want to thank you for your personal graciousness in affording me this opportunity.

Senator DODD. Thank you.

Senator GRAHAM. I will try to respect that by being brief. I will commence by submitting my printed statement for the record and will make a few informal remarks.

Mr. Chairman, the conditions that exist in Haiti today are not the result of the last few weeks or months. It is a country which

for 3 decades and more has been suffering under an autocratic regime and an economic policy of depression which has brought misery to most of the people of Haiti. In reflecting on the policy that is currently being pursued in Haiti, I would make this general observation.

I do not believe that a policy of enhanced economic sanctions is likely to lead to the result of a voluntary transfer of power by the current military leadership to President Aristide. I believe that our current policy needs to be seen as a step in a calibrated series of steps toward that objective, and it is an elaboration of observation that I would submit to you.

First, I believe that there are important United States and international community interests in Haiti, and which the Haiti experience of the last now over 2½ years represents. First, we have an interest in the wellbeing of our neighbors within this hemisphere. Throughout American history, we have taken a special sense of neighborliness for those countries within our hemisphere. And today our neighbors in Haiti are suffering, and suffering grievously.

In terms of human rights abuses alone, between February 1 and June 1 of this year, there were 295, confirmed by the United Nations human rights observers, political murders in Haiti. Between February 1 and June 1, there were 91 confirmed political abductions in Haiti. Between February 1 and June 1, there were 66 confirmed political rapes in Haiti. Today there was the report of the latest United Nations human rights monitors reports of conditions in Haiti which have indicated that the situation has deteriorated since June 1.

Second, we have an interest in democracy within the Western Hemisphere. If this hearing had taken place 25 years ago, you could have counted on the fingers of one hand the number of democracies in the Western Hemisphere. Today every nation in the Western Hemisphere is a democracy except Cuba and Haiti. They are young and relatively fragile democracies. The message which is being sent from Haiti is a message of will the international community, in particular the international community of the Western Hemisphere, come to the defense of a democracy which has been ousted in an old style military coup.

The United States is going to receive many of the adverse consequences of conditions that exist in Haiti. Most visible, but by no means the only of those consequences, has to do with refugees. When I was in Haiti 2 weeks ago the INS, Immigration and Naturalization Service officials who were responsible for establishing our refugee processing centers both in the country and now at sea, estimated that once there was full knowledge that our policy had changed, that no longer would people be turned around at sea and returned directly to Haiti but rather would be afforded an opportunity for a hearing, that there would be a sharp increase in the number of persons fleeing Haiti.

That prediction has now come to pass. In the first 24 weeks of 1994, the average number of interdictions of Haitians was 135 per week. In week 25 of 1994, the week we have just concluded, there were 1,194 refugees interdicted, and we saw the statistics over this weekend in which some 1,800 persons were interdicted in a period



of less than 4 days. We are beginning to see the surge of what I think will eventually be a tidal wave of refugees exiting Haiti.

Just one final matter is the issue of Haiti as a new center for drug transshipment.

Haiti has become a significant part of the chain of drug shipments from the source countries into the United States. This has become a significant source of revenue for the Haitian military. It is a subject which is now alleged to be under investigation by U.S. criminal justice officials. Mr. Chairman, I site those as just some other reasons why I think the Haiti issue is an issue that warrants the serious attention and the necessary action of the United States.

Second, as I stated, I do not believe that the current strategy—economic sanctions and political isolation—has the capacity to achieve the result of restoring President Aristide. The embargo, rather than impoverishing the military elite, has both enriched and emboldened them. It has provided them with new sources of revenue through their rakeoffs on contraband, particularly gasoline, and their control of drug trafficking. It has emboldened them because they have seen now for over 2½ years the failure of the international community to carry out its protest against their coup.

The military has become increasingly isolated from centers of power that used to be able to exercise influence over them, particularly the economic elites. The military now has more money than the former rich of Haiti, and therefore are less susceptible to the persuasion of that group of Haitian society.

Third, I believe that the current strategy of economic sanctions and political isolation ought to be seen as one part of a calibrated series of steps. The economic sanctions and political isolation in my judgment will have the principal benefit in showing to the world that we have taken the last steps in a nonmilitary means in order to achieve the objective of restoring President Aristide. It will also provide us with the necessary time to develop the international support and our own plans for the further steps that will be necessary.

I believe that we ought to be cognizant of the fact that there are serious adverse consequences that are occurring while the sanctions are in place. Let me just mention a few that were told to me during my recent visit to Haiti.

A rising level of anti-Americanism under all classes of Haitians; a whittling away of President Aristide's term, and therefore his ability to demonstrate to the people of Haiti the benefits of a democracy; and the fact that in November of this year in Haiti as in this country there will be elections. Those elections will include all of the local mayors and a substantial part of the parliament. If we do not have a credible government in place in Haiti prior to those November 1994 elections we have no hope of having credible political institutions with which to deal for the balance of President Aristide's term in office.

The middle of Haitian society is eroding. A leader of Haiti who is a small d democrat, a supporter of the democratic process although not a supporter of Aristide, told me that the middle in Haiti has now become the distance between his thumb and index finger, and has diminished. Increased violence will leave scar tissue that will be difficult to heal, and as one final point, we have attempted,

and Mr. Gray referred to this in his remarks, not to give any tacit recognition to the elitist government. Soon we anticipate that that elitist government is going to start to make it difficult to deliver humanitarian supplies, medicine, and food unless we give it some recognition. And so a continuation of the sanctions puts in a position in which we may be necessity have to give some recognition to the illegitimate government.

I believe that for purposes of evaluating the effectiveness of the current sanctions we ought to be closely monitoring a series of developments. One of these is the economic misery of the people. Our U.S. AID reports on a regular basis a quality of life for the people of Haiti. In every category of that quality of life there has been significant deterioration. We should closely monitor what is happening over the next few weeks.

Second, we should monitor the United Nations human rights reports to see if what happened in June, an escalation of abuse, continues into the balance of the summer.

We need to monitor the refugee flows which are a significant indicator of how oppressive conditions have become within the Island. The example of moving from a weekly average of 135 to last week's 1,194 and this week's numbers which will be even higher indicates more of the people are now voting their misery by boarding their boats. And by effective capabilities we need to be evaluating attitudes within key components of the Haitian society, particularly the unlisted and junior officer corps of the military.

I believe that those indicators are going to increasingly demonstrate that we need to recognize that another strategy is required, and I believe the options that would then be before us are essentially stark, unpleasant, and only two. One is what I would call the surrender strategy which is to lift the embargo, reestablish relations with the existing regime, and admit that we are unable or unwilling to apply those actions required to restore President Aristide; or second, be prepared for a credible threat and willingness to use military force to restore President Aristide. When those choices become the last remaining options for the international community, I pray that we will not surrender and accept all of the negative consequences of that surrender, but that we will be prepared to use a credible threat of military force.

Third, we need to have a United Nations peacekeeping capability prepared to move in as rapidly as possible after President Aristide has been restored. That peacekeeping force would have the prime responsibility of establishing a permissive environment, while President Aristide transitions back into full responsibility.

And fourth and finally, we need to have an effective political and economic strategy to do such things as assist in the division of the police function and the military function and professionalizing of that new police, of providing public works and jobs and other steps that will show to the people of Haiti the benefits of restoration of President Aristide. Those are steps which are urgent, and their successful accomplishment will determine whether President Aristide, upon return, is able to realize what the people invested when they elected him President in 1990.

Mr. Chairman, the situation in Haiti in my opinion is at a critical juncture. Reports that the economic sanctions are working are

by any standard wrong. The wealthy elites cannot influence the military; the military is benefiting by the sanctions. We must prepare ourselves to take the next step if we are to achieve our stated goal of restoring President Aristide and the principle of democracy. Thank you.

[The prepared statement of Senator Graham follows:]

PREPARED STATEMENT OF SENATOR BOB GRAHAM

Mr. Chairman, I appreciate your giving me an opportunity to make a few brief comments, and I congratulate you on maintaining a continuing focus on the unfolding events in Haiti.

I visited Haiti last week, the latest of several visits since I have been in the Senate. I returned this time convinced that current U.S. policy is fatally flawed. Without a mid-course correction, we will not achieve our goal of returning President Aristide to power.

I would like to make just a few brief comments and would be glad to answer any questions.

First, international sanctions designed to pressure Haiti's economic elite into ousting Haiti's military rulers are not working. The embargo is a sieve, and critical imports—particularly gasoline—continue flowing across the border from the Dominican Republic. The rich, although inconvenienced, can still buy virtually anything they want. The poor, more than inconvenienced, are starving.

Second, the Haitian people, having no confidence in the embargo, their heroic endurance at the breaking point, support—indeed invite—military intervention. Some of President Aristide's strongest supporters advocate intervention at this point.

They said that sanctions, no matter how comprehensive, will not work in time to restore Aristide. Aristide supporters have never been so vocal in support of more direct action.

Third, time is very short. Everyone we spoke to said that the embargo is having a devastating effect on the poor and that repression is growing daily. As the situation becomes ever more polarized, Aristide supporters say that reconciliation will become even more difficult with time.

Fourth, Mr. Chairman, we have a practical and moral decision to make. I believe that current U.S. policy will not achieve the goal of restoring President Aristide.

Within the next few weeks, the United States and the international community will be forced to choose: We can either take the necessary steps to return President Aristide—and I believe that force must remain a credible option—or we will have to ask ourselves whether it is morally and politically effective to continue with an embargo policy that will not achieve our goals.

I recommend the following:

- We can not back away from economic sanctions but they should continue for only a limited time.
- The President should take all necessary steps to begin making the case for intervention, either multilateral or, if necessary unilateral effort. Such a force should intervene, establish the climate for President Aristide's return, and then withdraw, to be replaced by international peacekeepers.
- Peacekeepers should remain in Haiti for a sufficient time required to assist President Aristide in the transition to democracy.
- After President Aristide is reinstated, he will need immediate economic and political help. We should be ready to assist him with the necessary resources.

Mr. Chairman, the situation in Haiti is critical. Reports that the sanctions are working are wrong—the wealthy elites cannot influence the military, and the military is benefiting from the sanctions.

We must prepare ourselves to take the next step if we are to achieve our goal of restoring President Aristide.

Senator DODD. Thank you very much, Senator Graham, and once again thank you for your tremendous ongoing interest in this issue and all issues affecting the Caribbean and this hemisphere.

I am struck by the comparison here between Haiti and Cuba. Obviously, you have a significant constituency of Cuban Americans, as well, in Florida. I have noted that recently we have seen an increase in the number of Cuban refugees leaving, and I am just cu-

rious. I know there is a different policy. We do not turn away any Cuban refugees, is that correct?

Senator GRAHAM. The policy of the United States since the commencement of the cold war has been to apply a standard for those fleeing a communist nation that assumed that they were doing so for political purposes. Persons fleeing from noncommunist regimes have been required to demonstrate that on a case-by-case basis.

Senator DODD. So we accept every Cuban who gets out of Cuba, basically. I think if they make it to our shores we accept them. They have been a wonderful contribution to the country.

I note that we are applying sanctions in Cuba. It is obviously having some effect in the increased population, and yet I suspect that any effort to eliminate the sanctions economically on Cuba where there is no where near the same extent of international cooperation that we are getting on Haiti, and basically the rest of the world is doing business in Cuba except for ourselves.

I cannot imagine any successfully arguing that we ought to lift economic sanctions on Cuba. Why should there be a distinction here?

Senator GRAHAM. First, we have had a consistent policy of economic sanctions and isolation of Cuba now for almost 30 years. Most of that period of time was a period of time in which Cuba was receiving significant external support, particularly from the former Soviet Union since. Since 1989 that support has been withering, and with it has been the Cuban economy and evidence that the Cuban society is beginning to fracture. I believe that we should continue to follow the policy that we have adopted which this Congress underscored with the passage of the Cuban Democracy Act as our basic strategy to achieve the goal of a democratic Cuba.

In the case of Haiti, we are trying to influence a very small number of people, and those people have thus far been able to avoid the consequences of the sanction; in fact, have even become more enriched and more arrogant as a result of their manipulation of the sanctions.

Senator DODD. I appreciate that point, but you understand my point. Here you have virtually the entire European Community and a good part of Latin America doing business in Cuba as you and I have stood here this afternoon; whereas, we have tremendous cooperation, albeit it is problematical, in Haiti.

Again, you and I have had differences on the Cuban Democracy Act, but putting that issue aside I would not vote to lift an embargo of sanctions on Cuba. The Cuban Democracy Act deals with the secondary boycott issue, and yet I hear people advocating the lifting of the sanctions on Haiti where arguably we are going to have a better impact there because of the cooperation we are getting. That is why I am so curious as to why we would apply that different standard there. Not that I am necessarily convinced it is absolutely assured of victory, but there seems to be a greater likelihood of success here. In fact, more so than any other case I can think of.

In North Korea, for instance, where hardly that economy seems to relate to what the industrialized West would provide it given the fact it has lived in isolation in virtually an exclusive relationship with the People's Republic of China, I would make a case there

that sanctions from the West probably was going to have a nominal effect; whereas in Haiti, given its dependency on this country, on France, on Canada, the kind of cooperation we are getting here, for us to announce in effect that this just is not working because some bottles of gasoline are making it across the border from the Dominican Republic and lurching to the only other alternative as you have framed it, and that is a military one, at this juncture I am concerned that we are giving up too quickly.

Senator GRAHAM. First, I do not believe that the only example or manifestation of the failure of our policy in Haiti to achieve the result of the restoration of President Aristide by economic sanctions is the fact that the price of gasoline has declined since the more severe sanctions went into effect. That happens to be true. Gasoline, the weekend before last in Port-au-Prince, was selling for \$6 to \$7 a gallon, \$1 to \$2 a gallon less than it has sold for 45 days earlier. But there is a whole series of other consequences that are occurring, which I referred to a few that I think make the time that we can credibly utilize this economic sanctions strategy limited.

I have suggested what I think should be some of the measurements of success of the economic sanctions, and once it is determined by those or other standards that it is unlikely to achieve the goal of restoration of President Aristide, then I think we can no longer morally justify continuing to punish the poor of Haiti in pursuit of a policy that has shown itself to be unable to move the rich and the powerful of Haiti.

Senator DODD. Let me underscore a point that you made at the outset of your remarks that I think deserves repeating—I said it not quite as eloquently as you did in your comment—and that is the significance of the message we send as a Nation, as the leader not only in this hemisphere but in the world today, as the sole remaining superpower, of how important it is, we believe that democracy is, in preserving, and that what a unique set of circumstances we have in front of us—with the exception of Cuba and Haiti, every other country in this hemisphere enjoys to a large extent democratic governments—and that our retreat from this by doing nothing on sanctions, excluding a military option, virtually walking away, I think sends the worst possible signal that we could send, not only in this hemisphere but elsewhere, but particularly in this hemisphere. And I just want to strongly second your comments regarding that particularly point and thank you immensely for your presence here today. Senator Pressler.

Senator PRESSLER. Thank you very much.

Senator Graham, you are one of the leading authorities in this area, and we certainly listen to you. I know the White House listens to you. But let me ask you a couple of questions that are not meant to be provocative.

This embargo business, I am just not convinced that it is going to resolve in the kind of changes where we have a small impoverished country that has a very mean-spirited military dictatorship running it. Can you cite any analogous situations where such an embargo has worked?

Senator GRAHAM. Well, there are situations where an embargo has worked. The Union of South Africa would be one of the dra-

matic recent examples of that. But I share your assessment that it is unlikely in the conditions of Haiti that the sanctions are going to achieve the goal of causing the military leadership to voluntarily turn power back to President Aristide. That is the standard that the United Nations, the United States, the Organization of American States, have all set by which we are to judge success in the application of these sanctions.

Senator PRESSLER. What do you think would happen differently in the next 2 years if we were to totally lift the embargo and make a clear statement we will not invade? What do you think would happen differently, and what will happen otherwise?

Senator GRAHAM. Well, within Haiti I think what would happen is we would see a continued high level of human rights abuses, we would see a continued denial of basic democratic rights to people, we would see a continued surge of large numbers of refugees attempting to leave Haiti, we would see an increase of drugs in the United States through the institutionalization of Haiti—a relatively new transshipment point for drugs—become a permanent enlarged transshipment point.

Then the point that the chairman just made, the signal of our surrender in Haiti, a statement that we do not have the will to remove one of the most inept, incompetent, and corrupt militaries in the world from power and restore a democratically elected president, the international community does not put sufficient value on the restoration of democracy in Haiti to take the steps required to do so, will send a signal throughout the barracks of the Caribbean and Latin American. In those Barracks there are the sons and grandsons of the former presidents of their countries, persons who may feel that they are superior in character, intellect, or patriotism, to the person who is currently serving as the democratically elected president of their country, and who would like to see themselves reascend to their family tradition of political dominance.

I believe that the situations that have occurred since the fall of Aristide in Venezuela, Guatemala, and even in Peru where the parliament was removed for a period of time, are not unrelated to what happened in Haiti. Those militaries heard the signal, they understood what the silence or ineffectiveness, the impotence of the international community, meant to the prospect of their being seriously challenged. I do not think we can tolerate that kind of signal to the barracks that a surrender in Haiti would send.

Senator PRESSLER. Well, I am not suggesting a surrender, but as a practical matter, Aristide has said he would not go back with a military invasion, as I understand it. Maybe you can expand upon that. But by threatening this thing which we probably will not do and also which Aristide said he would not support, what is the real possibility of it? At some point, the threat wears out and it becomes worse than if we did not threaten. I am not in an argument with you here, but Aristide has said he will not go back with a military invasion. Who would? We would have to find some new folks to be our democrats, so to speak, propped up by our military in that country—with a small *d*.

Senator GRAHAM. I have not spoken with President Aristide, nor have I spoken with anyone who has spoken with President Aristide, since his remarks of this weekend. When we were in Port-

au-Prince and met with Aristide's closest supporters, they, one, advocated military force to restore President Aristide and despaired of the prospect of achieving his restoration otherwise; two, drew a distinction between invasion and occupation. Their position was that international military force might be required—probably would be required—to restore Aristide. But what they did not want was a foreign military force in the country for a protracted period after that.

I asked would that reticence of a foreign force extend to the United Nations multinational peacekeeping force that is being contemplated? They said no, we would not consider such a force to come under our definition of an occupying force, but rather one that would be a facilitating force for the restoration of democracy.

Senator PRESSLER. Now, is there much evidence to support the theory that Haiti is currently a major exporter of drugs? Indeed, have not the naval blockade and the limitations on the airport pretty much eliminated it? Of course, they might go back to doing it, but right now is Haiti a major exporter of drugs?

Senator GRAHAM. I cannot answer that question in the last 5 weeks when the heightened UN sanctions went into effect, but I can state that during the period from September 1991 until the spring of 1994 Haiti had become an increasing and significant point of drug transshipment into the United States.

Senator PRESSLER. OK, so if I understand your suggestion, it is to keep the embargo in place and to continue to consider the option of military invasion, and what is your approach on visas, on immigration?

Senator GRAHAM. My position is that we need to have a four-step process: No. 1, the current process of an economic sanctions needs to be closely monitored to determine if it in fact has the potential of achieving the goal of the restoration of President Aristide. I think we need to give that a relatively short period of time in which to determine its efficacy.

No. 2, when, based on the type of criteria that I suggested, the decision is made that it is not likely to be able to restore President Aristide—I prejudge that evaluation to say that I think such a conclusion will be reached—then I believe we need to face the stark choices of either I would define surrender, which means that we will no longer pursue the goal of restoration of President Aristide and will seek an accommodation with the current regime; or two, be prepared for a credible threat and willingness to use that force necessary to restore him to power.

In terms of the visas, I think that they are probably worth doing, but do not put a great of strength behind their ability to achieve the objective of causing the military to give up power. One of the fundamental things that has happened is that the economic elites of Haiti have lost a substantial amount of their capability to lead, persuade, and influence, the military. So those parts of the sanctions that are directed at the economic elites are likely to be relatively irrelevant.

Senator PRESSLER. Thank you very much.

Senator DODD. Thank you very much.

Bob, you have been very patient. I appreciate that. This took a longer time, but normally, for our audience, colleagues come and

make statements and we receive them graciously and then move along, but you are more than just a colleague testifying here. You bring a great deal of knowledge to the issue, so we go into questions with you because we respect immensely your commitment to this issue, and I appreciate immensely your visit down there, as well. It helps immensely. Thank you very much.

Senator GRAHAM. Thank you, Mr. Chairman, and thank you, Senator Pressler.

Senator DODD. I am going to invite now our first panel to the table. Because we have several witnesses to go through here, and I apologize to all of them, let me invite them to join us at the table. They are the Honorable Michael Barnes, counsel to President Jean-Bertrand Aristide, and a member of Hogan & Hartson, a law firm here in Washington, DC; Mr. Bill O'Neill, consultant of the National Coalition for Haitian Refugees located in New York; Mr. Ian Martin, senior associate, Carnegie Endowment for Peace of Washington, DC; and Mr. Donald Schulz, associate professor of National Security Affairs, Strategic Studies Institute, U.S. Army National War College, Carlisle Barracks, PA. The staff here will place those nameplates.

I am going to put the lights on here, and I am going to ask everyone to try to keep their remarks to about 5 minutes apiece. I apologize. We will never get you out of here if we do not have some way to try to keep these remarks down.

We will accept your full testimony and statements and supporting documents and include them as part of the record here this afternoon.

With that, I will ask staff to activate our timer lights.

Mike, we are grateful to you for coming. You have been sitting here the whole while. I hope it has been worthwhile for you to listen to Bill Gray and Bob Graham and to share their thoughts. We are now anxious to hear yours.

**STATEMENT OF HON. MICHAEL BARNES, COUNSEL TO PRESIDENT JEAN-BERTRAND ARISTIDE, HOGAN & HARTSON, WASHINGTON, DC**

Mr. BARNES. Thank you very much, Mr. Chairman. First of all, President Aristide has asked me to once again thank you and the committee for your continued commitment to the restoration of the democratically elected government. President Aristide, on behalf of all of the people of Haiti who are suffering so terribly under the crisis which has been described so well this afternoon, is grateful to you, Mr. Chairman, and the other members of the committee who have been working so hard to try to end this crisis.

Let me just give you a couple of very quick personal thoughts and stay within the 5 minutes because you have a very long prepared testimony from me. You will recall, Mr. Chairman, that exactly a year ago President Aristide was on Governor's Island in New York negotiating an agreement with the military which had overthrown him. And a year ago this coming Sunday, July 3rd, President Aristide signed the Governor's Island agreement and Gen. Raul Cedras signed the Governor's Island Agreement.

That day, General Cedras also signed a letter to President Aristide that I am not sure has been previously made public, but



in that letter he submitted his resignation, effective last October 15, from the Haitian army. Actually, he chose that opportunity to state that he would retire from the military, not resign, but retire from the military on October 15 of last year.

As you know, that is not the only commitment that General Cedras made at Governor's Island which has not been fulfilled. None of the commitments which the Haitian military made to the people of Haiti to permit the restoration of democracy have been fulfilled.

As you also know, every commitment that President Aristide made a year ago was fulfilled. He committed to grant an amnesty to the Haitian military who had committed so many crimes against the people of Haiti at the time of the coup; he granted the total amnesty which is permitted under the Haitian constitution for a president to grant. He named, as he was called upon to do by the agreement at Governor's Island, a new prime minister, a new cabinet. He sought in the selection of those individuals to reach out and demonstrate he wanted a reconciliation in his country.

The gentleman he selected as his prime minister, as he noted today in remarks before the National Press Club at a luncheon, was a white man in a country where there are very few white people, a member of one of the most wealthy families of the country, and one who had close ties to the military and the wealthy elite that supported the coup.

His cabinet was made up by a majority of individuals who had not supported him in his election. Although he got over two-thirds of the vote, his cabinet was dominated by people who did not support him. His defense minister was a general—is a general; his minister of interior is a colonel from the army; there were others in the cabinet who had been strong opponents of his. But he reached out and named these individuals because he wanted, under the spirit of Governor's Island, to bring the people of Haiti together.

Tragically, that spirit was met with violence. As we all know, his brave justice minister, educated right here at Howard University Law School in Washington, was assassinated as he left his office. None of his ministers were able to function. They could not leave their homes. They were all told they would be killed if they did try to function. And just last week the United Nations Secretary General, Secretary General Butrous-Ghali, in a report to the Security Council stated: "As to human rights, the situation in Haiti has deteriorated sharply. With new patterns of repression such as the abduction and rape of family members of political activists. Since the adoption of Resolution 917, 50 politically related killings have been documented by the international civilian mission. In a growing number of cases, the implication of members of FRAPH"—this is the paramilitary group organized and affiliated with the Haitian military—"has been established. The executions seem consistent with a systematic elimination of members of popular organizations which support the return to constitutional order." That is the report last week by the Secretary General of the United Nations.

Mr. Chairman, it is imperative for the people of Haiti, and indeed for the reasons just stated by Ambassador Gray and Senator Graham, it is imperative for the United States, that this crisis be

ended as quickly as possible and that the democratically elected President be able to return to Haiti. And as he said at the Press Club today, when that happens, he knows, and I think we all in this room know, there will be a celebration in Haiti very similar to the celebration that President Aristide witnessed in person at the inauguration of President Mandela in South Africa. The people of Haiti desperately seek it.

President Aristide is grateful to this committee and your efforts and leadership, Mr. Chairman, to bring that day closer.

[The prepared statement of Mr. Barnes follows:]

#### PREPARED STATEMENT OF MICHAEL D. BARNES

One year ago, on July 3, the Governors Island Agreement was signed. One year later, Haitians are looking to the U.S. and the international community to fulfill their promises while the coup regime and its supporters maintain their grip on power and the illicit franchises that sustain them. Against this backdrop, there are four points I would like to address today:

1. President Aristide's flexibility in the negotiations and the limits on his ability to compromise;
2. The international community's strategy for resolving this crisis now and over the near term;
3. The coup regime's plunder of government and rollback of Aristide's "good government" reforms; and
4. President Aristide's vision for Haiti.

Yesterday, we read in the *Washington Post* that Haitians are taking a "World Cup" break from the crisis. There is no break in the misery, only a brake on the press' ability to cover it. The puppet president has sealed off the border and strategic areas. In Cite Soleil, Borgne and Saut d'Eau, they are running for their lives. Each day the crisis drags on comes at great cost to Haiti and its many courageous patriots. I hope this discussion will enable policymakers to rethink the conventional wisdom about why this crisis has dragged on for so long. Haiti deserves an end to its long national nightmare.

#### PRESIDENT ARISTIDE'S CONCESSIONS IN TALKS

Throughout the crisis, some have charged that President Aristide is intransigent, inflexible, unable to compromise like a good politician. In fact, *President Aristide has been amazingly flexible, at great political and personal cost.*

To help newly elected President Clinton, in January 1992 he asked Haitians to redouble efforts in Haiti to restore democracy. He also refrained from criticizing President Clinton's decision to maintain the Bush repatriation policy. In return, he received a promise that he would be restored to office "in a matter of weeks or months." He maintained his silence for a year as his constituents endured unspeakable abuse in Haiti and pariah status among refugees.

To address negotiators' concerns that without amnesty, the coup leadership would not voluntarily leave office, he pledged last spring—before UN talks—to grant amnesty, and then, after signing the Agreement, he granted the maximum amnesty allowable under the Haitian Constitution. In doing so, he became the first elected leader in the history of the world to grant immunity before civilian authority had been restored and the first to grant immunity, as a first, rather than last step in a reconciliation process. The United States and international negotiators pronounced the amnesty President Aristide promulgated as fully in compliance with his obligation under the Governors Island Agreement.

To respond to the argument that his opponents would not help return him unless made part of the process, President Aristide convened conferences and included in his new cabinet representatives of the military and the business elite. There have been several conferences over the course of this crisis. I will focus on two recent efforts. Immediately after signing the Governor's Island Agreement, President Aristide met with the private sector in Miami and secured their pledge of support. In January, with the participation of the U.S. and international community, President Aristide convened a conference in Miami of all sectors of Haitian society to discuss the political crisis and the enforcement of the Governors Island Agreement. With respect to his cabinet, at Governors Island, the President agreed to again name a new prime minister, and a new cabinet. The new prime minister named, Robert Malval, is a member of the business elite and is widely accepted by them.

The new cabinet included two military officers, a former opponent for the presidency, the chief of staff of another former opponent, and a number of political rivals from independent parties. Throughout this crisis, President Aristide has reached out to individuals in the military and the business community, as well as to politicians who do not support him, even though he has an overwhelming 67% popular mandate.

To facilitate international community efforts to negotiate the departure of the coup regime, President Aristide agreed in February 1992 to appoint as prime minister Rene Theodore, a rival and opponent in the 1990 presidential race. Mr. Theodore represented what Mr. Pezzullo termed "the other 30%" that did not vote for President Aristide. (Pro-coup hardliners in the parliament voted down Theodore's nomination, scuttling the accord.) Preliminary to talks last year, in addition to pledging an amnesty, President Aristide agreed to an international technical mission and, according to UN Envoy Dante Caputo and U.S. Envoy Pezzullo, gave "all the concessions desired and necessary to obtain the removal of the coup leadership." (Caputo and Pezzullo were then rebuffed by the coup regime and the international oil embargo was imposed to force the coup leaders to Governors Island for talks.) President Aristide reluctantly signed the Governor's Island Agreement. The Agreement permitted the coup leaders to remain in power through virtually the entire transition process, and to choose to keep their position in the military by leaving Haiti. It also required the President to select a new prime minister and cabinet and required the legislature to approve these officials with the coup in control and without a sufficient international presence as a counterweight. At the same time, it removed as leverage the international embargo on fuel and arms shipments. We did not believe this arrangement offered adequate safeguards and events have tragically proven us correct.

President Aristide's goals in the talks are simple, straightforward, and well known:

- To return Constitutional government and democracy to Haiti, beginning with the President's return;
- To obtain a significant international mission as soon as possible, with a mandate to stimulate, rather than stifle, the reestablishment of civilian elected government and the renaissance of civic and grassroots groups that form the backbone of Haiti's democratic movement;
- To reestablish the rule of law and implement his program of "good government" reforms for which he has an overwhelming mandate and the solid financial backing of the international financial community; and
- To preside over the institutionalization of democracy.

The limits of President Aristide's negotiating power as a democratically elected head of state are also self-evident and well known. He cannot provide amnesty beyond what the Constitution and the international agreements to which Haiti is a party permit. He cannot condone illegal and discriminatory treatment of Haitian refugees. He cannot dialogue with or include in his government Haitians who do not support his return as democratically elected head of state, the reestablishment of civilian democracy and the rule of law, and his program of "good government" reforms. He cannot agree to his return under circumstances that would make it impossible for his government to function or to carry out his mandate for reform.

#### THE INTERNATIONAL COMMUNITY'S STRATEGY

What is the international community's strategy to resolve this crisis now and in the near term? From the outset, President Aristide has urged that the international community exert the maximum possible pressure—through comprehensive air-tight sanctions—so that it will have its intended effect over the shortest possible time period. He does not seek to prolong the suffering of the Haitian people but rather to end it as quickly as possible. Instead, Haiti has gotten the worst of both worlds—broad-based sanctions that the military and its supporters can easily circumvent while the rest of Haitians struggle desperately to adjust and survive.

The international community has finally begun intensifying multilateral sanctions to oust the coup regime. For this strategy to succeed at this late stage, the message must be unmistakably clear to the coup regime and its supporters: we are resolved to hold firm until democracy is restored. To date, the international sanctions effort has been half-hearted. For example, one of the first sanctions to be imposed, the oil embargo, is an embargo in name only. Ever since last June, when this sanction was briefly imposed, it has been clear that the Dominican Republic refuses to stop the flourishing border trade. Just last week, the price of gasoline in the Haitian capital plummeted to its lowest level since the crisis began. The U.S. asset freeze, while a welcome move, had been threatened for nearly three years and had been amply

telegraphed to its intended targets in advance. There are notable omissions from the list, including the civilians who have served as the coup regime's prime ministers and cabinets during the crisis, helping to legitimize it, and the parliamentarians who comprise the pro-coup bloc and have sabotaged the implementation of the Governors Island Agreement. Those included, among them Haiti's powerful wealthy elite, are scrambling to be taken off the list. **How the international community responds to current implementation and enforcement challenges will greatly determine whether those in a position to be helpful, or to stop being harmful, will instead calculate that holding fast is the best strategy—and that the international community will lose interest as it has in the past.**

While the international community redoubles its sanction efforts, it is critical that it stick to previously negotiated understandings and resist the temptation to negotiate with the coup regime and its supporters. From the outset of this crisis, President Aristide has been clear that the entire coup regime high command must step down if he is to be able to govern and to implement his program of reform. This was an integral part of the discussions on Governors Island and of the resulting understandings. Currently, the international community is focused on three people, the coup leader Raoul Cedras, his deputy Philippe Biamby, and the police chief, Michel Francois. This is an important start. But it leaves untouched others who have played an integral role in the coup's efforts to maintain power and resist international community efforts to resolve the crisis. As Ambassador Swing has acknowledged, General Cedras was not alone in repudiating commitments to facilitate the deployment of the international technical mission and thwarting U.S. efforts to secure a berth for the *Harlan County* on October 12. One member of the high command responded to the U.S. Chargé's entreaties by defending the demonstrators on the dock and "refusing insistent requests by the Chargé to publicly state that they [he and Cedras] would continue to cooperate with the UNMIH [the UN technical mission]."

**The international community's silence about the rest of the regime high command raises serious concerns that the daunting tasks of removing the remaining coup leadership and completing the transition will be shouldered entirely by President Aristide and the civilian government. To appreciate how unrealistic this is, one need only look back to September and October of last year.** Human rights abuse steadily escalated to "alarming levels," according to the UN/OAS monitors. The prime minister, the new cabinet and the parliament were unable to function. Justice Minister Guy Malary, courageously spearheading the drafting of legislation to reform the police and judiciary, was murdered by military-controlled thugs. Civilian elected officials, including popular Port-au-Prince mayor Evans Paul, were forcibly prevented from retaking office by armed military groups loyal to the coup regime.

At your last hearing in March, we heard from Mr. Pezzullo on the need to build a "political center." This approach was correctly recognized for what it was—an effort to form a group sufficiently distant from President Aristide and the majority who support him. This group would negotiate a power-sharing arrangement with the coup regime which President Aristide would then be pressed to accept. This approach suggested President Aristide's 67% popular mandate was an inadequate basis for governing. It also implied that the civic and grassroots groups that form the backbone of the democratic political movement in Haiti were not on a par with the far less representative political parties.

The so-called "parliamentary plan" did not merely ask President Aristide to broaden his political consensus by including diverse parties. President Aristide's cabinet already included members of the military and elite and a number of political rivals from independent parties. President Aristide rejected the plan from the outset, because it gave the coup leaders a veto over the cabinet choices. The parliamentarians were not representative of the parliament or their parties and were handpicked, briefed and flown here by the U.S., as Pezzullo admitted at your March hearing.

Mr. Gray was named for the announced purpose of putting that discredited policy to rest and designing a new policy. Regrettably, our Embassy in Haiti and international negotiators continue efforts to form a so-called "centrist" coalition with individuals who have actively participated in or supported the coup regime. Over the past four weeks, Ambassador Swing has convened several meetings in Port-au-Prince with politicians from the spectrum of political parties, but dominated by representatives of center-right groups. Those invited have included, for example, the leader of the hardline Duvalierist party, Dr. Volvrick Remy Joseph, who served in the cabinets of both Papa Doc and Baby Doc Duvalier; members of the pro-coup bloc; and Marc Bazin.

These meetings have involved encouraging all Haitian political factions to accept the inevitability of President Aristide's return. But there has also been discussion

of how to form a political coalition that could serve as a counterweight to President Aristide and his democratically elected allies, in which Bazin has played an active role. Not coincidentally, Bazin's top lieutenant, Antoine Joseph, has announced the formation of precisely such a "political center" coalition. It will be dominated by Bazin's MIDH party; coup supporters and Duvalierists.

The pro-coup bloc has aggressively sought to help the coup regime throughout the crisis. As the UN Special Rapporteur has noted, the pro-coup bloc appointed civilian puppet officials, including Bazin, to legitimize the coup; "sabotaged implementation of the Washington Protocols" (negotiated by the OAS in February 1992); "bitterly opposed the negotiations mediated by the OAS, the UN and Caputo"; and "have taken every opportunity to make it known they do not want Aristide to return." In post-Governors Island talks in New York, the pro-coup bloc agreed to recognize Aristide and pass necessary reform laws—most importantly, separating the police from the military. The pro-coup bloc has done none of this.

Bazin was soundly defeated by President Aristide in the 1990 election. He then lent his prestige to the coup regime, serving as its prime minister in 1992 and actively campaigning to lift the international embargo and normalize relations. His close political associates and his party are well represented in the current cabinet of puppet President Emile Jonassaint.

Events of the past three years make clear that any formula the coup regime would accept and a so-called coalition having these members would broker would not be democratic and would be completely unacceptable to the majority of Haitians that President Aristide represents. The inclusion of these individuals in these meetings raises real concerns that the "center" to be created is intended not only to broker the regime's departure but also to broker the returning civilian government's ability to reestablish the rule of law and turn a corrupt, bloated government into a functioning, responsive one. **We urge your subcommittee to seek assurances that U.S. and UN efforts at outreach and dialogue are intended to reinforce the effort to oust the regime and return the President with his power to govern and to implement his reform program fully intact.**

It is perfectly appropriate for our Embassy to identify and reinforce the democratic actors in Haiti. It is completely counterproductive to treat all actors equally, regardless of their actions during the coup regime's rule. Those who have collaborated with or supported the regime and who do not accept President Aristide's return, the reestablishment of the rule of law, and an end to government corruption, waste and fraud should be excluded from the dialogue—and subjected to targeted sanctions—until after democracy is restored and the reconciliation process has begun. To do otherwise legitimizes their actions, putting them on an equal footing with pro-democracy activists who have paid a high price for their activities over the past three years. Neither the pro-coup bloc nor Marc Bazin is on equal footing with pro-democracy activists. While the pro-coup bloc in parliament was thwarting negotiators' efforts and Bazin was serving as a coup regime prime minister, the pro-democracy activists were actively participating in negotiations to restore democracy to Haiti, suffering reprisals intended to discourage his participation in these talks, and struggling courageously to continue their work in Haiti as elected officials or readers.

**We are at a crucial stage in the crisis. The U.S. is trying to maximize pressure on the coup regime and its supporters. The U.S. Embassy must exclude the pro-coup bloc in the parliament, Bazin and other regime supporters from outreach and dialogue efforts and the U.S. must not continue to spare them from the recent targeted visa and asset sanctions.**

#### THE NEAR TERM—THE INTERNATIONAL TECHNICAL MISSION

What is the international community's strategy in the near term? The Governors Island Agreement provides for an international technical mission, charged with the task of assisting the Aristide government to restructure and reform the military and police. Originally envisioned as a counterweight to the coup regime during the four month transition period, the mission is now being reconceived to address the challenges created by the coup regime's refusal to cooperate as it had originally pledged to do and to secure the safety of the returning civilian government. Among tasks being considered for the mission, according to the numerous press reports, is maintaining order. The Aristide government has yet to be formally consulted on these plans or to take a position on the many issues raised. At this preliminary stage, I have several observations.

First, any international mission must be formed under UN auspices. Its mandate and terms of reference must be clear and negotiated in advance with President Aristide and his government. The suggestion that the mandate include the task of

maintaining order is deeply troubling. To ensure a democratic transition, the mission should be charged with providing assistance, as requested by the sovereign democratic government of Haiti, to protect and promote the rights of speech, assembly and association. To do otherwise would suggest that the international community is not seriously committed to reestablishment of true participatory democracy until after the difficult issues of police reform, amnesty and preparations for legislative, departmental and municipal elections have been resolved to the satisfaction of the regime and its supporters.

To do otherwise would also be to adopt precisely the approach that coup leader Cedras took in the transition period that followed the signing of the Governors Island Agreement. Although the transition period was intended to permit a renaissance of civic participatory democracy, Cedras repudiated that commitment and announced that "it could be some time before Haitians can exercise such rights as freedom to demonstrate." Assemblies were routinely disbanded with force—the presence of the international human rights monitoring mission did not deter violence by the military and police. In testing this principle, businessman and Aristide supporter Antoine Izmerly sacrificed his life. The international community has previously provided assistance to stimulate and protect popular organizing activity, in the 1990 Haitian election campaign, at the request of the Haitian electoral tribunal.

Second, it is critical that the international community redouble efforts to identify and prepare this mission so that it can be deployed as soon as possible after the coup regime steps down. One of the signal tragedies of the four month transition period was the international community's failure to deploy the international mission immediately. It is also important that the mission be of sufficient size and with sufficient language capability to function effectively and independently. This suggests that the Canadians, Caribbeans and French should take a leadership role in its formation. It would be inappropriate to expect that the separate international human rights monitoring mission can lend personnel or provide logistical or language support.

Third, bilateral support of police and military reform must be closely coordinated with the UN mission in order to ensure that it is fully consistent with the overall mandate and terms of reference. In this connection, the international community should provide financial and technical support of Aristide government efforts to develop a program for identifying individuals in the current military and police who would be unsuitable to participate in any reform programs, and to plan alternative activities for these individuals to ensure the reestablishment of the rule of law is not disrupted.

Fourth, until the mission has achieved the objectives of facilitating the restoration of civilian authority and the protection and promotion of political rights of speech, assembly and association, the UN should postpone consideration of activities in support of elections, including the possibility of a separate election observer mission. The terms of civilian officials, all members of the parliament's lower house, and one-third of the Senate, elected in 1990, expire this year. The most recent UN sanctions resolution recognizes the impending deadline for new elections, and suggests the UN begin to consider appropriate activities. It would be impossible to plan for elections meeting internationally recognized norms until after the President and his government are restored, the campaign of terror and intimidation of pro-democracy activists has ended, and the climate for participatory democracy has been reestablished. This may require postponing preparations, but this would not be the first time that the coup regime impeded the exercise of the franchise and related rights or provoked a Constitutional crisis. Until these minimum requirements for a free and fair election can be met, there is a danger that the coup regime would dominate the process through the FRAPH, attachés and section chiefs, solidifying its hold on power through a process that is neither free nor fair, and severely circumscribing the civilian elected government's ability to reestablish the rule of law and "good government."

#### THE COUP REGIME'S RECORD

Mr. Chairman, the controversy over the direction of U.S. policy has deflected attention away from the coup regime's overall record and the implications for the international effort to reestablish democracy in Haiti. The coup regime has engaged in an active, concerted campaign of human rights abuse against the pro-democracy actors and groups; repudiated its commitments to the international community and made Haiti an international pariah and the object of blunderbuss sanctions; and converted the government into an enterprise for personal plunder and gain while completely reversing the Aristide government's progress toward reestablishment of the rule of law and government that works.

*Human rights abuse.*—The human rights situation in Haiti is so grave that, just three months after your last hearing, there are numerous and serious new incidents to report. Each incident is alone significant; taken together, they are nightmarish, infamous. As the OAS Inter-American Commission on Human Rights concluded after a recent on-site investigation, Haiti's military rules by a brutal terror that has no analog in this hemisphere. Among the tragic incidents reported by the UN/OAS human rights monitoring mission are:

- a massacre in Raboteau in April in which at least twelve defenseless citizens were shot and killed by rampaging army troops;
- an ongoing campaign of repression in Borgne using murder, rape, arson and destruction of cattle and crops—the community's livelihood—to root out Aristide activists, conducted by army units in collaboration with FRAPH and paramilitary groups (the military claimed to be responding to a terrorist threat, but the Mission could find no proof of this or evidence of the existence of an armed rebel group and no additional explanation has been proffered);
- a pattern of raids of pro-Aristide neighborhoods in the capital in which people are murdered and property stolen and destroyed, by armed paramilitary groups;
- rape and sexual abuse of women supporting Aristide or closely related to active supporters, mainly in the capital, by the military, the FRAPH and the attachés. From February to May, the Mission recorded sixty-six cases; there were only three reported to the Mission during its presence in 1993. Seventeen of these cases involve successive rape of the victim by several men. The rapists violate pregnant women and minors; according to Mission reports, two little girls of ten and twelve were raped in the presence of their uncle by armed civilians.
- intimidation of the Mission in Hinche in late March by demonstrators acting for the FRAPH.

The alarming levels of abuse continue. The Mission reported 53 extra-judicial killings in the capital in March, and 44 in April. On May 23, the Mission reported the assassination of 4 political activists in Cite Soleil; we do not yet have figures for the month. From February to May, there were 62 documented cases of political kidnappings and disappearances. According to the OAS Commission, 11 of these individuals were later found dead. This is a staggering figure in a country in which disappearance is a relatively new phenomenon. Illegal arrests, unlawful detention, and torture continue. The OAS Commission observed after its recent on-site investigation in Haiti that "the exercise of the right of assembly does not exist for those who support a return to democracy. When groups of individuals try to exercise this right, they are arrested and brutally beaten by members of the military and police force, and accused of organizing meetings in support of President Aristide." There is no freedom of speech; the Haitian public is hostage to the regime's propaganda regarding the crisis and international efforts to resolve it.

The FRAPH's claims of legitimacy as an important political movement are inconsistent with its many activities throughout the country in support of the coup regime's campaign of human rights abuse. In the past three months, the Mission has reported the following incidents:

- A local FRAPH leader participated with army soldiers in firing on the house of a local pro-Aristide activist in Raboteau in April. The leader and soldiers ransacked the house and arrested the activist's father. The attack preceded by twelve days the army massacre of at least twelve civilians.
- The FRAPH, working with armed civilians, has conducted a systematic intimidation campaign in Mirebalais and Hinche since the departure of the Mission last October, with the acquiescence of the local military authorities.
- A group of FRAPH members and armed civilians rounded up citizens in a pro-Aristide neighborhood of Saut d'Eau in March, beating people, stealing property, arresting certain people and taking them to the military barracks, and mistreating and hitting a local judge and his colleagues. A local military officer acknowledged FRAPH's responsibility for these events.
- FRAPH has participated in the extrajudicial killings, forced kidnappings and disappearances, rapes of Aristide supporters and relatives of supporters, and raids on pro-Aristide neighborhoods in the capital in March and April, according to witnesses to these incidents.

There can be no doubt that the regime is continuing to root out and repress pro-democracy activists with the active collaboration of the FRAPH and attachés. The longer the regime remains in power, the more difficult the task of salvaging and reviving the pro-democracy movement, and the more crucial the task of reestablishing the rule of law, reorganizing and reforming the military and police, and dismantling the FRAPH, attaché and section chief network that plays an integral role in this campaign.

*The coup regime's intransigence is responsible for sanctions.*—The coup regime has been completely intransigent throughout the crisis, making and then repudiating commitments to the international community. From the outset of this crisis, the regime has steadfastly refused to honor its commitments. Instead, the coup continues consolidating its grip on power. Most recently, in May, the regime appointed Emile Jonassaint "president." Among his first acts, the illegal president threatened the legitimate civilian officials with arrest, imposed a state of emergency and threatened to impede international relief efforts.

The regime's intransigence and complete disdain for its international commitments has put Haiti in the company of the few remaining international pariah nations and triggered sanctions that are the worst of both worlds—so broad as to affect the lives of ordinary Haitians and so lax as to be easily circumvented by the regime they are intended to oust. President Aristide has always advocated the maximum tough and targeted sanctions be applied, in hopes they would have their intended effect in the shortest possible time and minimize the suffering of Haitian citizens. It is regrettable that the international community did not heed the President's call. But it is the coup regime—and not President Aristide—that bears total responsibility for these developments. The regime can end Haiti's misery by keeping its commitments and relinquishing power.

Some have argued that the international sanctions are destroying Haiti to save it. Respected international relief experts agree that it is the coup regime's brutal, self-interested rule that is causing Haiti's misery. Humanitarian relief has always been exempt from sanctions, and an emergency fuel program ensures that the oil embargo does not disrupt distribution of aid. This relief has been expanded as necessary to respond to the country's increasing needs as the crisis continues. Lifting sanctions will prolong rather than end the misery, because the misery stems from the coup's reign of terror and its forcible removal of the first government in Haiti's recent history willing to address the pressing needs of the majority of the population in a democratic, responsible way.

*Plundering the government.*—Many well-intentioned observers point to the sanctions' impact on Haiti and conclude that this is the immediate cause of Haiti's current woes. But this ignores the wholesale plunder and corruption off the government by the coup regime.

1. *Irresponsible revenue collection policies.*—A U.S. Embassy study of the coup regime's economic record concluded that "The fiscal and monetary actions of the *de facto* authorities caused harm far more severe to the Haitian economy, and especially the Haitian poor, than did the lax application of the OAS-imposed economic sanctions." President Aristide's government achieved a small surplus in FY 91, the first in six years, through "surprisingly successful revenue collection, all accomplished in the last six months of the year" (when his presidency began).

The coup regime abandoned responsible revenue collection policies. The regime gave business a virtual free ride, to curry support among the powerful elites. The military officers in control of the port got a lucrative Customs franchise. The Treasury deficit exploded, to 450 million gourdes, representing 35% of expenditures. This "conscious decision on the part of the *de facto* government to forego large elements of revenue—whether in internal tax collection from business or potential customs revenues lost to military commanders at key ports of entry and their business partners—produced in FY 92 the largest annual deficit since the creation of Haiti's present monetary system in 1919; then produced a still larger one in FY 93," according to the U.S. Embassy analysis.

2. *Military control and mismanagement of state-owned enterprises.*—The 7,000 member military receives an astonishing 40% of the national budget, in a country of seven million and ranked among the world's poorest. During the coup, it has expanded its sources of government income and its political power by taking over many of the state-owned enterprises. The Army War College reports that "The public sector has been especially infiltrated by the proxies of the Port-au-Prince police chief, Colonel Francois, who are thought to control the telephone company, the port, the electricity company and many basic imports, including cement and flour."

Several of the state-owned enterprises are deliberately mismanaged—the Central Bank is left responsible for the loss. For example, electricity of Haiti has lost \$15 to \$20 million since the coup. It is substantially over staffed, bills only 60% of its charges (the rest is effectively stolen), and collects only 45% of the charges billed.

3. *Bloated Public Payrolls.*—The Aristide government estimates that the public payroll has increased from 40,000 to 50,000 since the coup. The figure could be higher. The Duvalier-era practice of providing key ministers with lump sum outlays for unregistered personnel and discretionary use was revived during Bazin's tenure as prime minister in 1992. The U.S. Embassy calculates that salaries now represent at least 80% of the Treasury's total expenditures.



This has had a devastating effect. The education system is now almost entirely privately run. This has undoubtedly contributed to the precipitous drop in school enrollment. Only 25 to 33% of Haitians of school age are now receiving an education. Fewer than 40% of Haitians have access to basic health services, and almost all services provided are through private groups and international relief efforts. The country's infrastructure has been abandoned. Virtually all of the country's primary roads need serious rehabilitation, and the urban infrastructure is in a state of critical disrepair. Garbage is piling up in the streets of the capital; there is no garbage collection service.

This outrageous abdication of responsibility has prompted the U.S. Embassy to characterize the regime as "a deadly parody of government \* \* \* so corrupt and so lacking in capacity to govern and to positively affect the lives of its people."

#### PRESIDENT ARISTIDE'S VISION FOR HAITI

Mr. Chairman, much is at stake. It is imperative that we stay the course and return President Aristide and the civilian elected government to office immediately to address Haiti's urgent needs. President Aristide is committed to tackle government corruption and waste, reestablish the rule of law and a functioning judiciary, and address basic needs in the education, health and agriculture sector. This program enjoys overwhelming public support as his 67% mandate and outreach efforts in exile demonstrate. It is backed by the international financial community, which has pledged almost \$1 billion in multilateral and bilateral assistance, half of which is available immediately.

From the outset, the U.S. has expressed concerns that the major hurdle to restoring President Aristide is the military rank and file's fears regarding the direction of the President's reform program and his commitment to reconciliation. For nearly three years, we have asked the administration to facilitate broadcasts into Haiti of the details of these plans, so the rank and file can know the truth. As President Aristide has publicly stated many times, he is committed to the establishment of a modern military, an independent police force, and a functioning judiciary operating in accordance with the Constitution. The reconciliation process includes reassuring the military and the business community on these points. It also includes adherence to the Constitution, the rule of law, and nonviolence; elimination of government corruption, waste and fraud; and health, education and other programs to meet basic needs. Those who publicly commit to these goals and behave consistent with that commitment are welcome to participate in the reconciliation process. We have been discussing the broadcast plan in detail with the administration and are hopeful we can soon proceed.

Among the key goals the President will pursue on his return are:

- *A stable business environment.* Under the coup regime, inflation has soared, the gourde's value has plummeted, and bank lending has stopped. The Aristide administration balanced the budget and properly managed government resources, bringing an important measure of stability. The President's efforts were praised by the World Bank as "providing a window of opportunity for the country to finally move toward sustained social and economic progress." The international community pledges \$49 million to assist in again curbing inflation, balancing the budget, controlling public sector spending, improving public administration, undertaking legal and regulatory reform and supporting private enterprise.
- *Reestablishment of the rule of law and a functioning judiciary.* Under the coup regime, Haiti has experienced its worst period of human rights abuses and the infamy of the political murder of its chief law enforcement official, Justice Minister Guy Malary. President Aristide established a climate of respect for human rights, reversing refugee outflows; ended the notorious section chief system, retired senior military officers implicated in notorious abuse and made modest progress toward a reform minded military; and drafted a law separating the police from the military and secured a parliamentary consensus to enact it. Supported by \$7 million in U.S. aid, President Aristide will seek enactment of reform legislation, create a civilian police force responsive to civilian authority and independent of the military, again remove section chiefs and corrupt judges and replace them with qualified civilian elected or appointed officials pursuant to the Constitution, and establish appropriate institutions for training and administration of the new judicial and police officers.
- *Creation of a professional military force responsive to civilian authority.* The current Haitian military has been characterized as a band of thugs, sustained by graft. President Aristide sought a close working relationship with the military, founded on mutual respect. He retired officers implicated in abuse and corruption and sought to promote reform-minded officers. Following the resignation of

the coup regime and the replacement of the high command with reform-minded officers, the military will be reorganized and retrained into a professional, a political force. The details of this program are virtually complete; President Aristide's plan is backed by \$2 million in international aid.

- *Access to public education and basic health care.* The coup regime's neglect of governmental responsibilities has further compounded national education and health needs. Only 10% of Haiti's schools are now public, and 60% of Haitians now have no access to basic medical services. Last month, President Aristide met with Haitian teachers to review plans to revamp the education system. The plan includes expanding and improving public schools, enhancing teacher capabilities, increasing the numbers of children attending school, and raising literacy levels with a broad-based campaign. This plan will be carried out with \$10 million in international aid. Earlier this month, the President met with over 200 Haitian doctors and nurses to enlist their involvement in plans to provide basic preventive health care, address immediate public health challenges, and coordinate with and stimulate long-standing efforts by private groups to meet national needs, backed by \$30 million in multilateral assistance.
- *Rebuilding Haiti.* The coup regime's frantic efforts over the past week to win support by filling potholes cannot absolve them of responsibility for three years of neglect of Haiti's now-crumbling infrastructure. At the time of the coup, the Aristide government was embarking on a major upgrade program; the coup put all efforts on hold. During the crisis, the government has revised and expanded existing plans to reflect additional compelling needs and ensure immediate action on priority projects. Supported by \$30 million in multilateral assistance, the Aristide government will repair and upgrade roads, bridges and ports and construct needed new infrastructure. An additional \$20 million in multilateral assistance will be used to rehabilitate existing water and sewer facilities and to increase and expand service, particularly in the rural areas. Immediately upon returning, the civilian government will implement emergency programs for sewage treatment and waste disposal in urban poor neighborhoods and rural areas.
- *Revitalizing agricultural production.* About 70% of Haitians are engaged in farming. Throughout Haiti, agricultural production has declined dramatically during the crisis. The regime and its local section chiefs have provoked disputes over land ownership, creating insecurity; have brutalized the rural population, causing massive internal migration and displacement; and have failed to maintain, and in some cases destroyed, the infrastructure supporting this sector, including rural co-ops and markets. The Aristide administration has consulted closely with international experts and has prepared a program to address the challenges facing this important sector. In addition to reestablishing civilian control in the countryside, the government will restore and rebuild rural infrastructure; conduct livestock vaccination and pest eradication programs; make credit, seeds and fertilizer available; and enhance cultivation methods to reverse erosion, supported by \$26 million in multilateral assistance.

The international community has made significant commitments of \$5.5 billion to finance the Aristide government's economic and social reform program upon the President's return. The Aristide reform program is straightforward, transparent and fully consistent with the goal of reestablishing civilian participatory democracy. It promises economic stability, return to the rule of law and respect for individual rights, and significant progress toward improving the health and education of Haiti's poor majority and reversing environmental deterioration. This substantial international support shows that concerns regarding the prospects for long-term economic stability in Haiti following the coup regime's departure are unfounded and that the international community's involvement will not be prolonged, ill-defined, or of little if any lasting value. Haiti will be transformed from a permanent ward to a partner of the international community.

President Aristide and his cabinet are ready and eager to go to work on building Haiti's future. We must redouble our efforts to hasten their return. It is long past time for the coup regime to go.

Senator DODD. Thank you very much, Mr. Barnes. Mr. O'Neill.

#### STATEMENT OF WILLIAM G. O'NEILL, CONSULTANT, NATIONAL COALITION FOR HAITIAN REFUGEES, NEW YORK, NY

Mr. O'NEILL. Thank you very much, Mr. Chairman. I will direct my remarks to the refugee issues, and if I do have any time maybe

one or two other points. But I will begin with the refugee processing.

I am a consultant to the National Coalition for Haitian Refugees based in New York, and the coalition commends the President's May 8 decision to end what we believe to be the illegal forced repatriation of Haitian asylum seekers without any chance for an interview. And we also believe that this policy undermined refugee protection worldwide. We are happy to see that that policy has been changed, but we do have some concerns about the processing as it is occurring in Jamaica right now and potentially on the Turks and Caicos Islands in mid month in July as it begins then.

First, we understand that the counseling given to the asylum applicants on the boat is done in a group, it is kind of a group orientation, there is no individualized counseling to the asylum applicants. This is a crucial step in any kind of refugee processing. The United Nations High Commission for Refugees has so stated in its handbook which serves as kind of a rules and regulations, if you will, on international refugee processing. So we are very concerned that the applicants who arrive after a perilous sea voyage, often hungry, afraid, exhausted, while they do have some time to rest, but they are not getting the kind of individualized advice about what is coming next; that is, the interview.

Second, we are concerned about the interview itself, principally the interviewers and the interpreters. I have no question that these people have the best of motives, and I do not mean to impugn anyone's intentions, but I think that asylum adjudication is an extremely difficult, complicated thing to do, and many of the interviewers and interpreters do not have much experience in this type of activity. They do not have much in-depth knowledge about Haiti. And again, the UNHCR has noted before in other circumstances the importance of extremely competent, well trained, experienced adjudicators and interpreters so that the applicant's story can be conveyed in all its subtlety and all its complications, and that the adjudicator can make a reasoned decision. So we do have some concerns about that part of the process.

The third concern we have is the time. I have been told that, and it also was quoted in the New York Times last week, when there are only 35 applicants, that they have the luxury of an interview that lasted on average 1 hour and 45 minutes. That is not long. That also includes the time for interpretation, so the actual give and take between the interviewer and the applicant is under an hour.

I have interviewed dozens of Haitian asylum applicants over the years. I have never been able to do it in less than an hour. Often it takes several hours, and it also takes several multiple interviews to get the person's story. And again, this is not unusual after what the Haitians have been through when they arrive and the interview begins.

They often do not readily open up right away. Their interaction with authority in their own country has been most unpleasant usually, so that any kind of authority figure that they now are faced with inspires some kind of fear and mistrust, and interviewing does take time and it is exhausting. So an hour and 45 minutes, if that is deemed a lengthy interview, is of great concern. And only 35 peo-

ple at a time. We read today that now there have been a thousand or more. So the pressure to keep people moving through this process may mean that the interviews are even shorter than this hour and 45 minutes, and that is of grave concern because mistakes then could well be made.

We are also concerned about the review process. There is no appeal. UNHCR can look at some cases and recommend a reinterview, further information to be gathered, but there is no systematic review process and there is no standard of review, what constitutes a mistaken initial decision.

So these are the basic concerns that the coalition has. We commend the effort that the INS has made and that the State Department has made, but we think that there are flaws, and these flaws will only be exacerbated as the crush of numbers and the pressure of time increases.

And finally, Mr. Chairman, I would like to say it is the position of the Coalition that no one—no Haitian—should be forcibly returned to Haiti right now given the documented systematic and gross human rights violations that are occurring there. To ask these interviewers to make fine distinctions if someone is leaving for mostly political versus mostly economic reasons given the stakes involved is nearly an impossible task.

Thank you.

[The prepared statement of Mr. O'Neill follows:]

#### PREPARED STATEMENT OF WILLIAM G. O'NEILL

##### I. INTRODUCTION

Thank you Chairman Dodd and members of the subcommittee for convening this hearing during this crucial period in the Haitian crisis. I am a consultant to the National Coalition for Haitian Refugees on whose behalf I am appearing before you today. I served from June 1993 to March 1994 as the Legal Director of the United Nations/Organization of American States International Civilian Mission to Haiti. My responsibilities included providing legal advice on international human rights law and Haitian law to the Mission's Executive Director and to the Director of Human Rights and for supervising a study of the Haitian justice system. From 1989 to June 1993 I was the Deputy Director of the Lawyers Committee for Human Rights where one of my principal tasks was to monitor the human rights situation in Haiti and to examine and assess the Haitian justice system. I have coauthored two book-length reports on these topics.

The National Coalition for Haitian Refugees was founded in 1982. The Coalition, since its inception, has sought to ensure protection for Haitian refugees under international and U.S. law. The Coalition always argued that it was illegal and morally wrong for the United States to interdict Haitians on the high seas and to return them to their prosecutors after brief, often cursory interviews on Coast Guard cutters. The Coalition maintains today that Haitians should receive the same treatment as asylum-seekers from other countries with full and fair hearings in appropriate settings and essential procedural safeguards in place.

Mr. Chairman, the 33-month-old Haitian crisis is entering a decisive phase. The administration has belatedly implemented a series of sanctions and withdrawal of privileges that many of us were urging the Bush administration to adopt in October 1991. Freezing assets, revoking visas, suspending commercial flights and enacting sweeping UN-mandated economic sanctions will hasten the Haitian end-game.

I would like to begin my testimony on one immediate issue: the refugee processing currently underway in Jamaica. I will then discuss three issues that will be of central importance once this end-game has occurred and regardless of the way the crisis is resolved: reviving civil society, creating a Truth Commission and implementing reforms to the justice system. The planning and hard thinking about these issues cannot be postponed, however, but should be undertaken right away.

## II. REFUGEE PROCESSING IN JAMAICA

The National Coalition commends the President's decision on May 8 to end the policy of forced repatriation of Haitian asylum-seekers. We believe that the previous policy was illegal and undermined refugee protection worldwide. The Jamaican government agreed to allow the United States to interview applicants on board the *USS Comfort* which is docked in Kingston harbor. This refugee processing only began on June 23. Nevertheless, the National Coalition has serious concerns about the fairness of the hearings as conducted on the ship.

First, pre-interview counseling of Haitians is extremely limited and deficient. The UNHCR legal officers are on board and provide some counseling to groups of applicants *en masse* prior to their interviews. But no individual counseling occurs. This seriously prejudices the chances of the Haitian asylum-seekers to prepare their cases and anticipate what kinds of questions they must be ready to answer. Group orientation cannot replace one-on-one counseling on the asylum process and the criteria necessary for refugee status.

Second, the interview itself, which is the key event in the entire process, lacks important procedural safeguards. The competence of the interpreters is of concern. Have the interpreters received adequate training in asylum and refugee law? Are they sensitive to the key elements in making a claim for asylum? What may appear to be an innocuous brush with authority could be crucial to the applicant's claim. Will such incidents be conveyed accurately and adequately by the interpreter? There is also a concern about confidentiality: will details of the applicant's case get back to Haiti with all the obvious dangers for the applicant and friends and family back in Haiti?

It is hard to assess the impact on the INS interviewers of State Department assessments that most Haitians are "economic" refugees and that human rights violations in Haiti are being "exaggerated." The most recent example of the latter is an April 12 cable signed by Ambassador Swing which states that "The Haitian left manipulates and fabricates human rights abuses as a propaganda tool, wittingly or unwittingly assisted in this effort by human rights NGOs and by the ICM [UN/OAS international Civilian Mission]." This cable should be repudiated immediately and publicly by the administration and INS interviewers should be instructed to disregard this and similar assessments of human rights conditions by the State Department.

Third, the INS faces a large back-log in processing asylum claims so it has decided not to send large numbers of its highly trained and experienced corps of asylum officers to participate in the processing in Jamaica. This means that the INS must find people elsewhere, including border patrol agents and airport inspectors. I do not question anyone's good faith, but I do think it is asking a lot of people who understandably have little or no background in refugee law and Haiti to work on such a complicated issue with such intense time pressure. The INS has arranged week-long training sessions for its personnel assigned to this program and I have participated in several of these sessions. The INS is to be commended for including non-governmental experts in this training, but the hastily trained and inexperienced interviewers face a daunting task and it would be preferable to assign many more experienced and trained asylum hearing officers to this program. The well-trained and experienced UNHCR officers can merely observe interviews, they cannot offer any legal advice.

Fourth, a senior INS official stated last week that he was pleased that the average interview lasted one hour and forty-five minutes. This includes time for interpreting so the actual time of question and response between the hearing officer and the applicant was under one hour. I have interviewed dozens of Haitian refugees over the years and it is impossible to get their whole story in less than one hour. My experience has been that it takes at least several hours and sometimes multiple interviews to gain the applicant's trust, go over extensive and often complex fact patterns (asylum law is no less complex than antitrust or securities law) and ask the right questions in the right sequence. The incentive to "keep people moving" is enormous and weighs heavily on the hearing officers and the interpreters but can only lead to sloppy interviews and mistakes. These shortcomings are potentially fatal since the applicant's credibility is the primary factor in deciding whether or not the person qualifies as a refugee. A review of the initial decisions shows that denials have been based on lack of credibility; it appears that in some cases the Haitians were not given the benefit of the doubt as required under international practice as described in the UNHCR Handbook.

Fifth, the review process is fundamentally flawed. There is no right to an "appeal" in any real sense of the word. If the INS adjudicator intends to deny an application, the applicant is supposed to be informed of this decision and allowed the oppor-

tunity to provide additional information. This additional information is taken down separately and added to the case file. The papers are then reviewed by a Quality Assurance Officer who decides whether a further interview is warranted. The UNHCR legal officers are also supposed to be able to review decisions and suggest a reversal of a decision to deny or a further interview.

A review based solely on the papers is wholly inadequate. Where credibility is so central, and when there are shortcomings in the interview due to poor and uninformed interpreting, inexperienced hearing officers and a premium placed on time, it is impossible to review in any meaningful sense the correctness of the initial decision based on the papers alone.

More disturbing are reports that rejected applicants have not even been informed of the decision to deny and thus have not had any chance to add information. It appears that the INS never informed many of 29 Haitians who were denied asylum on June 16 until they were on a cutter heading back to Haiti. A U.S. army officer was quoted as saying that "We are going to try not to let them know their asylum request was denied until they are back on the cutter. It can be very upsetting for some of them." (*Ft. Lauderdale Sun Sentinel*, June 17, 1994). This makes a sham of the program's limited review provision. The INS has reportedly issued an order directing its personnel to inform applicants of negative decisions before commencing repatriation, but we remain concerned that the review provision could be flouted again.

The Haiti that the rejected applicants return to is one of increasing violence and terror. President Clinton admitted as much in his May 8 statement noting that there was "increasing violence against citizens of Haiti who did not agree with the policies of the military regime—and, indeed, some of them seem to be not political at all—of people not only being killed but being mutilated." (Office of the Press Secretary, the White House, "Statement and Press Conference by the President," May 8, 1994, p. 3).

The so-called *de facto* president of Haiti, former supreme court justice Emile Jonassaint, announced on May 22 that a decree from the Duvalier era making it a crime to leave the country illegally would be enforced. The Haitian army has proceeded to arrest people that the U.S. has forcibly repatriated and those seeking to leave the country "illegally." Haitians now face a situation exactly similar to that in Cuba where illegal departures are also deemed a criminal act. In the coastal city of Petit Goâve, the UN/OAS Civilian Mission reported that dozens of people were arrested after Jonassaint's announcement while they waited to leave on a boat. The local judge stated that "We have to arrest passengers to stop this." (*Miami Herald*, May 31, 1994, pp. 1A and 6A). Attempting to leave Haiti is now not only a criminal act but also a public humiliation of a military dictatorship that is increasingly ruthless and paranoid. Jonassaint has recently stated that his government will "enforce grave punishment against those who 'contact the enemies of the homeland or one of their agents.'" (Radio AFP Paris, as cited in Foreign Broadcast Information Service, Latin America, May 23, 1994, p. 15).

Mr. Chairman, given the reign of terror and massive human rights violations, the National Coalition for Haitian Refugees believes that no Haitian should be forcibly repatriated until President Aristide returns and some semblance of law and order is restored. All Haitian asylum-seekers should be granted safe haven until such time. The United States and other countries in the region should each take their fair share. Guantanamo should be prepared to shelter several thousand refugees.

If refugee processing is to continue in Jamaica or is to begin on the Turks and Caicos, then the defects outlined above must be immediately addressed. The National Coalition recommends that the administration:

1. Allow non-governmental organizations to observe and report on the refugee program in Kingston and in the Turks and Caicos.
2. Provide meaningful individual pre-interview counseling to all applicants, preferably by UNHCR legal officers or by non-governmental organizations.
3. The interview must be non-adversarial and confidentiality must be guaranteed. Interpreters should be thoroughly trained in asylum and refugee law and be sensitive to the necessary elements in determining whether someone qualifies as a refugee.
4. More asylum officers should be assigned to the program. Non-asylum officers should be carefully vetted by INS senior officials to insure that they can make the difficult transition from their law enforcement-type training and experience to the very different world of asylum adjudication. Training in asylum law and country conditions in Haiti should be increased.
5. UNHCR legal officers should be given a more active role rather than merely observing or making recommendations. They are experienced and highly trained and their expertise should be used.

6. The pressure to "keep people moving" should be diminished. Asylum interviews are hard work, exhausting for all, and enough time as is necessary must be allowed.

7. A meaningful chance to have a decision reviewed must be established and enforced. Haitians must be told if their application has been denied and why. They must then be given the opportunity to be re-interviewed and to supplement information or clarify any ambiguities or perceived inconsistencies in their accounts.

8. The Clinton administration should publicly repudiate the April 12 U.S. Embassy cable which casts doubt on the competence and integrity of the UN/OAS Civilian Mission and Haitian human rights organizations.

### III. RECONSTRUCTING CIVIL SOCIETY

Ever since the departure of Jean-Claude Duvalier in 1986, and especially during the eight months of President Aristide's rule, Haitians started to organize and take control of their lives. With enormous commitment and courage, thousands of Haitians started literacy campaigns, rural development projects, street-cleaning and repair programs, theater and musical groups; they produced newsletters and magazines and radio stations broadcast news that was free from government control. President Aristide encouraged and reinforced these efforts during his tenure in Haiti. Since the coup in September 1991, the Haitian armed forces and their death squads, with the full support of their civilian allies, unleashed a campaign of terror to destroy Haiti's fledgling civil society.

The military's response to these organizations was to label them as "subversives and communists." They were subversive because they challenged the fundamental power structure in Haiti where access to everything: justice, education, health care, food, water and shelter, is controlled by the military and a tiny elite. If a peasant could obtain a loan, hold the harvest in a granary until prices rose, get water from a communal irrigation canal, and settle a problem with a neighbor, all without having to pay the powerful rural military officials called section chiefs, then the military would lose absolute control and income.

It is no accident that since President Aristide's ouster, the military have crushed these organizations, killing, torturing and "disappearing" their leaders and those committed to the rule of law. I cannot possibly describe the thousands of human rights violations committed by the armed forces and directed against Haiti's democratic sector since the coup, but the following cases are all too typical:

- Evans Paul, the mayor of Port-au-Prince, still limps from the beating the military gave him nearly five years ago. Paul was then the leader of a flourishing grass-roots organization. A Haitian army major hosted a macabre show on state television the day after the beating that featured Paul's battered face as a warning to other democrats. Paul was elected mayor with 80% of the vote in the same elections that brought President Aristide to power but was forced into hiding after the 1991 coup. When he tried to resume his mayoral duties in September 1993, paramilitary thugs killed at least three people and wounded dozens even though members of the diplomatic community were present. Mr. Paul lives semi-clandestinely in Haiti, constantly changing his residence and keeping public appearances to a minimum. He has not been able to go to his office and resume his mayoral duties.
- Chavannes Jean-Baptiste is no stranger to illegal arrests, beatings and exile. As head of a leading rural organization in Haiti, the Peasants' Movement of Papaye, the military has frequently targeted him and his colleagues. Their crime is to organize peasants so that they can have access to credit, create food banks, avoid middlemen, learn how to read and write and to wrest some control of their lives from the section chiefs. Within days of the September 1991 coup, soldiers destroyed the MPP's office, stole equipment, raided food stocks, and arrested and beat MPP officials. Jean-Baptiste was forced into hiding several months later and subsequently escaped with his life to the United States.
- Marc Lamour is a rural grass-roots organizer in northern Haiti. He was instrumental in helping to form cooperatives and promote literacy efforts. The military has conducted an extensive manhunt for at least the past year in the mountains around Le Borgne. Just this past May, the army burned dozens of houses and arrested and beat innocent people all as part of the latest effort to capture Mr. Lamour.

The most recent surge in human rights violations documented by the United Nations/Organization of American States International Civilian Mission shows that the army and its death squads are hunting down the remaining members of peasant

and urban grass-roots organizations. Because young people have been particularly active in these groups, they are especially at risk in what has become a veritable war on youth.

A major challenge facing the international community will be to help Haitians resuscitate their civil society. The systematic attack on and dismantling of Haitian organizations by the military requires an equally systematic and thorough rehabilitation effort. The international community must be ready to pour in substantial assistance: money, material and human. UN agencies will have to coordinate their efforts and bilateral assistance will also have to be carefully planned, with the maximum of Haitian initiative and participation. The effort will take years, but without a vibrant civil society, fundamental reform and transformation in Haiti will be impossible. Fortunately, Haitians have laid the foundation for a civil society and now await the chance to complete the edifice.

#### IV. TRUTH COMMISSION

The UN/OAS International Civilian Mission, Amnesty International, Americas Watch, the National Coalition, the Lawyers Committee for Human Rights and Haitian human rights organizations have documented massive human rights violations committed by the Haitian army and its paramilitary allies and death squads over the past 33 months. The Haitian people deserve at the least a full accounting of these violations and who is responsible.

In El Salvador and Chile, among other countries, and just last week for Guatemala, formal fact-finding bodies have been created to investigate rights violations. Depending on the unique circumstances of each country, the information obtained could be used as the basis of prosecutions. Whether or not this would be the case in Haiti the mere fact of truth-telling would be enormously important to healing deep wounds and undermining the complete impunity currently enjoyed by the military.

The Coalition urges the U.S. Ambassador to the United Nations to call for the immediate creation of a Truth Commission which would operate under the UN's auspices. The details on the composition and exact mandate of this Commission could be discussed in due course, but the Coalition recommends that it include both Haitians and outside experts in human rights and international law.

The UN/OAS Mission has extensive documentation on human rights violations and the perpetrators, as do other international and Haitian human rights groups. This information could be the starting point for the Commission's own investigations. But the Commission must also seek out Haitians to gather their testimony: the forum for Haitians to tell what happened to them is an essential step and will send a clear signal to all Haitians that the horrors they have endured will not be forgotten.

#### V. JUDICIAL REFORM

The Haitian justice system is incapable of protecting people's fundamental human rights and prosecuting the perpetrators of rights violations. Based on hundreds of meetings between the UN/OAS Mission's observers and Haitian judicial officials and lawyers, countless visits to Haitian prisons and detention centers, and meetings with members of the Haitian military, several overriding problems precluding the fair and independent administration of justice were identified. Among the most serious are:

1. The military's utter domination of the judiciary. Few judges or prosecutors are willing to enforce the law if a member of the Haitian armed forces would be adversely affected. Soldiers frequently threaten members of the judiciary and several have been beaten, arrested or forced into hiding.

2. Corruption and extortion are endemic to the system. Justice is literally for sale with victory going to the highest bidder or the most powerful. In other cases, soldiers demanded money from detainees who wished to avoid being beaten or who wanted to receive food brought to them by their family.

3. Judges and prosecutors, for the most part, are poorly trained and motivated. Many judges have never been to law school, have never been trained to be a judge, and show no interest in receiving such training. Most prosecutors or investigating judges have no idea how to conduct a criminal investigation or to try a criminal case.

- 4 The judiciary faces a monumental shortage of essential materials. Court-houses are in complete disrepair, basic legal texts are rare, courts do not have phones, typewriters or even electricity, and record-keeping is abysmal.



5. The Haitian people, with good reason, have little respect for those charged with enforcing the law. The "law" and the entire justice system are viewed with scorn.

6. Soldiers are rarely prosecuted in civilian courts, or even in military tribunals, for horrendous human rights violations. This impunity reinforces the cycle of rights violations and the population's cynicism about the legal system.

Despite these flaws, some extraordinarily brave judges and prosecutors strive to do their jobs properly at great personal risk. These men and women are truly on the front lines, exposed with no protection at all from the forces intent on preventing the emergence of a fair and effective justice system. The military forced out several competent, independent and honest judges and prosecutors precisely because they possessed these qualities.

Others, like Justice Minister Malary, have paid with their lives for their commitment to real justice and human rights. Haiti's chief prosecutor, Laraque Exantus, was an energetic, honest and competent lawyer who agreed to accept the position after his predecessor fled because of death threats. Exantus was responsible for many politically explosive investigations, including the killing of the man who appointed him, Justice Minister Malary, who was gunned down by a death squad in broad daylight on October 14, 1993. Exantus was "disappeared" from his home sometime during the night of February 12, 1994. He has not been seen alive since. His own office refuses to investigate and officials at the Justice Ministry are too terrified even to discuss the case. He too is probably dead.

Respect for human rights is impossible without respect for the rule of law. Without an independent judiciary willing and able to enforce the law equally before all, human rights violations will continue in Haiti at an appalling level.

The international community should be drawing up plans to reform the Haitian justice system. With full participation from Haitian lawyers, judges and academic experts, from both within Haiti and the extensive Haitian diaspora, key reforms and plans to implement change should be ready the moment the political crisis is resolved. Some reforms already identified include:

- Demilitarize the Haitian justice system and insure the independence of the judiciary, otherwise all other reforms will be merely cosmetic and doomed to fail.
- Put all prisons and detention centers under the control of the Justice Ministry and not the military.
- Launch a public education campaign on reforms to the justice system to enforce people's respect for the rule of law.
- Conduct intensive training programs for judges and prosecutors in criminal investigations and trial procedures.

Since Haiti's justice system is based on the Napoleonic Code, French lawyers judges and jurists should take the lead role in judicial reform. Judicial officials from the overseas French departments of Martinique and Guadeloupe are particularly well-positioned to provide training since they speak Créole, share a similar culture, history and heritage with their Haitian colleagues and come from the same region. The United States should fully support such initiatives.

Haiti will never have a durable democracy or a rights respecting society if it does not have a sound, independent and viable justice system. After so much suffering, the Haitian people deserve no less than a maximum effort from the international community to help them create the rule of law.

Senator DODD. Thank you very much, Mr. O'Neill. Mr. Martin.

#### **STATEMENT OF IAN MARTIN, SENIOR ASSOCIATE, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, WASHINGTON, DC**

Mr. MARTIN. Mr. Chairman, I appreciate the opportunity to appear here. I do so as a professional in the field of human rights, and I think I can claim a record of some objectivity in assessing human rights situations around the world. For 6 years I directed the worldwide human rights work of Amnesty International, and last year I was employed by the United Nations as the Director for Human Rights of the UN/OAS International Civilian Mission in Haiti which has been frequently referred to in this and previous hearings.

The human rights situation in Haiti today is the worst in this hemisphere and one of the worst in the world. It is the only human

rights situation in the world whose victims are prevented by a government other than their own from exercising their right under international law to flee their country and apply in another country for asylum. In my written statement I describe that situation as I and the human rights observers of the mission in Haiti experienced it last year, and as it has further deteriorated since the strategy of the international community collapsed with the withdrawal of the Harlan County last October.

Activists in popular organizations are being hunted down and killed by members of the Haitian army, by the armed thugs or attachés which they direct, and by members of the FRAPH. The practice of abductions and enforced disappearances has reached alarming proportions; the minority of victims who reappear alive tell of torture in clandestine detention centers where they have been interrogated about the activities and membership of popular organizations.

Rape is being used as a weapon of political repression, with 66 known cases in 4 months: 17 attacks in which women were violated successively by several men; and victims including 10 minors, the youngest being 10 and 12 years old. Arbitrary arrests, illegal detention, torture and ill-treatment continue throughout the country, now beyond the reach of the International Civilian Mission or other human rights monitors.

The creation of FRAPH has solidified the complete elimination of freedom of expression for all except the extreme neo-Duvalierist right wing and the political elite. FRAPH presents itself as a political party, but it comprises former soldiers, attachés, former Tontons Macoutes and other armed civilians, and it operates as a paramilitary force conducting joint operations with the military against popular sectors.

Three characteristics of this human rights situation I think deserve emphasis. First, the effect of killing upward of 70 people a month may be underestimated when they are set alongside the scale of genocidal massacres in Rwanda. But Haiti is not torn by ethnic conflict nor in a state of civil war. Victims in Haiti are not only those who are killed and tortured, not only those who flee or the tens of thousands who live in hiding, but a whole society of 6.5 million people living in fear.

Second, the violence is simultaneously both targeted and generalized. There is a systematic effort to eliminate community leaders, but few people are safe. Female and male relatives may be victimized in the place of family members. The charge of being a supporter of President Aristide can be sufficient to bring persecution, and random violence is used to terrorize entire neighborhoods.

Third, the responsibility for human rights violations of the most serious kind extends right up the chain of command of the Haitian army. Senior members of the military are directly linked to the operation of death squads.

Until recently, I think, the full reality of political repression in Haiti has been downplayed in such reporting as I am aware of by the U.S. Embassy in Port-au-Prince. It has been an extremely disturbing experience for me to discover that the findings of our mission have been distorted in this reporting. The April 12 cable signed by Ambassador Swing, which has been widely cited in the

media, is a disgrace I think to any government, not only in its unwarranted slur on the integrity and competence of the International Civilian Mission and of Haitian human rights organizations, but also in its dismissal of reports of rape which were already by then well attested.

Mr. Chairman, there are five implications of the human rights reality in Haiti which I urge should be fully taken into account in U.S. policy. One, the international community today is powerless to protect Haitians in Haiti. Since its return at the end of January, the mission has played an invaluable role in recording human rights violations and bringing them to international attention, and has given assistance to victims of rape and other torture. But its observers would be the first to say that their presence no longer serves to prevent violations.

Two, it follows that it is not possible for anyone to protect or monitor the fate of asylum-seekers returned to Haiti. The possibility that they will be targeted because of their departure has increased. I share the view of the United Nations High Commissioner for Refugees and most refugee organizations that no one should be returned against their will in present circumstances.

Three, there must be a profound change in the Haitian army. The new police must have little continuity with the past in its leadership or its personnel.

Four, the military are today continuing to commit grave human rights violations, with the expectation, encouraged by the U.S. and the UN, that they will be immune from legal proceedings.

Popular vengeance is a symptom of a society in which there is no hope of justice through due process of law. If the international community expects President Aristide to be able to restrain popular vengeance, it must share his understanding that reconciliation requires the possibility of justice.

Five and last, there can be no possibility of holding elections which could be observed and recognized by the international community until freedom of expression and association have been restored.

Mr. Chairman, those of us who have lived in Haiti for any part of the period since the coup know more than can be conveyed here of how the Haitian people have suffered. If that suffering is not to have been in vain, what is required is not just the departure of three military leaders and not merely the physical return of President Aristide. What is required is the permanent removal of the military veto on democratic progress and the resumption of the process of social change and building respect for the human rights of ordinary Haitians for which they voted so overwhelmingly in 1990.

Thank you.

[The prepared statement of Mr. Martin follows:]

#### PREPARED STATEMENT OF IAN MARTIN

Mr. Chairman, I am pleased to have this opportunity to appear before your subcommittee to testify about the human rights situation in Haiti and its implications for the international community and for U.S. policy. My name is Ian Martin, and I am currently a Senior Associate at the Carnegie Endowment for International Peace.

From 1986 to 1992, I followed the human rights situation in Haiti as one among the many serious human rights situations around the world which was monitored by the Research Department of Amnesty International, for which I was then responsible as the organization's Secretary General in London. In February 1993, I was one of three human rights experts asked by the United Nations to visit Haiti and advise on how best the human rights protection and monitoring tasks of the International Civilian Mission (ICM), formally requested by President Aristide and just accepted by the *de facto* authorities in Haiti, should be undertaken. Our report was presented to the UN General Assembly in March 1993 and became the basis of the operational planning of the Mission. I was subsequently appointed Director for Human Rights and Deputy Executive Director of the integrated OAS/UN International Civilian Mission, and was in Haiti from late April until the ICM was evacuated after the withdrawal of the *USS Harlan County* in mid-October.

As Director for Human Rights for the ICM, I was responsible for the training and guidance of the human rights observers, for the collation and analysis of information regarding the human rights situation and specific violations, and for the drafting of representations to the High Command of the Haitian Armed Forces and of the public statements and reports of the ICM. I participated with the Executive Director of the ICM in meetings with the High Command. My appointment ended on December 31, at which time the ICM remained in the Dominican Republic to which it had been evacuated; I did not return when a group of observers was sent back to Haiti in late January, so I have had no direct involvement in the ICM's reporting in 1994. I have however remained in close contact with the ICM and with others following the human rights situation there, and most recently visited Haiti in late May in my capacity as a Senior Associate at the Carnegie Endowment for International Peace.

### The Human Rights Situation in Haiti in 1993

The human rights situation as experienced by the ICM up to its evacuation in mid-October 1993 has been described in three reports to the UN and OAS, published as documents of the UN General Assembly on June 3, October 25 and November 18, 1993. From the deployment of the ICM until the signature of the Governors Island Agreement on July 3, observers investigated and, where possible, intervened in a large number of cases of arbitrary arrest, illegal detention, beatings and torture carried out by members of the military, their attachés (civilian auxiliaries) and the rural section chiefs (who are themselves members of the armed forces). Many of the victims had been targeted because they were identified as supporters of President Aristide. The presence of the ICM, although it had some positive effect upon the human rights situation in some regions and at the initial stage, at no time overcame the refusal of the military to allow freedom of expression and association. When students attempted to organize demonstrations in support of the President's return, they were beaten off the streets and some of their organizers were arrested and severely ill-treated. When peasant activists emerged from hiding to resume organizational work, they were arrested, severely beaten, and forced to leave their homes again.

The terms of reference of the ICM provided for observers to have immediate access to detainees. Although the terms of reference had been accepted by the *de facto* civilian authorities, the degree of cooperation from the military authorities varied in different parts of the country and they were never fully respected in practice. ICM observers did manage to obtain access to prisoners in many cases, and often to bring about their release. The ICM assisted over 80 victims in obtaining medical treatment; most had sustained injuries classified by the ICM's medical personnel as severe. But access had often initially been denied: the High Command and the Chief of Police of Port-au-Prince themselves signaled their refusal to respect the ICM's terms of reference when as early as April 1993 they denied observers access to trade unionists who had been arrested and severely beaten in the capital. After the ICM first deplored such violations publicly, regional commanders were instructed to check "gratuitous violence." But no adequate investigations were ever carried out into violations which the ICM put to the High Command, nor was the ICM aware of any legal or disciplinary action being taken against the perpetrators, beyond the occasional transfer. The ICM's terms of reference required the authorities to see to the security of people who were in contact with the ICM. In fact, such people were regularly subjected to threats to their personal security by the military and those linked to them, and some were arrested and beaten after contacting the ICM.

If the Haitian Armed Forces had intended to respect the Governors Island Agreement, the human rights situation and the climate of freedom of expression and association ought to have improved after its signature on July 3. Instead, by early August it had become clear that the situation was seriously deteriorating. Many hundreds of people had been killed in the immediate aftermath of the coup, and the

killings had continued during 1992; Haitian human rights groups were estimating some 3,000 deaths before the arrival of the ICM, and this is probably not an exaggeration. But relatively few killings were reported to the ICM in its early months. In July and August, however, 58 known killings or suspicious deaths occurred in Port-au-Prince. In September alone the toll doubled to more than 60. Some of those killed were political activists in their local communities, and some of the killings were witnessed, with the killers identified as members of the military or *attachés*. In other cases the victims appeared random, but the violence was carried out with an impunity which implied police complicity; and the concentration of victims in the poorer localities suggested that the purpose was to terrorize those places where support for President Aristide was strongest.

During September and October, the political character of the violence became increasingly clear. When the legitimately-elected mayor of Port-au-Prince was reinstated in his office, his supporters and some bystanders were attacked by *attachés* while uniformed police watched and did nothing, with at least three people killed and others savagely wounded. The testimony of people who had resurfaced after being seized, tortured and interrogated, and the pattern of abductions and killings, afforded growing evidence of targeted political assassinations and disappearances carried out by paramilitary groups linked to the armed forces or by members of the armed forces themselves. The victims were members of popular organizations considered pro-Lavalas (the movement which supported the election of President Aristide), in particular leaders who continued to be active in their localities. The perpetrators were armed men mostly operating in civilian clothing, usually at night-fall, without covering their faces. They were armed with automatic weapons and operated in red or white pick-up vehicles, sometimes with government plates. In several cases there was information regarding a direct link between the perpetrators and the military, and the impunity and logistical support with which they operated was strongly indicative of military involvement. Their activities appeared to be supported by a major intelligence operation, evidenced by the nature of the interrogation of victims of enforced disappearance who subsequently reappeared.

The military's refusal to permit public pro-Aristide activity was reinforced in a calculated message to the whole nation when the businessman Antoine Izeméry was publicly executed on September 11. A financial backer and prominent supporter of President Aristide, he had defied the military in organizing peaceful but highly publicized displays of support for the President's return. He was dragged from a commemorative mass and shot in the street in the presence of international observers. The ICM carried out a special investigation into the killing. It found that the assassination team, which included a person identified as a member of the armed forces as well as several *attachés*, operated with the support of uniformed police, and arrived and departed the scene protected and escorted by police vehicles. It concluded that the scale and nature of the operation were such that it could only have been carried out with the complicity, if not the direct participation, of highly placed members of the Haitian Armed Forces.

Outside Port-au-Prince, there was in the weeks following the Governors Island Agreement a continuation but not at first a marked increase in cases of arbitrary arrest, torture and ill-treatment. If however the military had been preparing for a transfer of authority to legitimate government, and were afraid of possible popular reprisals with the return of President Aristide, then they should have been relaxing the repression. In fact there was no greater tolerance of freedom of expression, and threats and harassment of activists prevented any revival of popular organizations. As the October deadline drew near, the situation became increasingly tense in some districts. Although only a small number of killings were reported outside the capital, there were many reports of the distribution of arms to increasing numbers of *attachés*, and threats that supporters of the President would be massacred in the event of his return.

The military's determination to strengthen rather than relax their control was also evident in the establishment of the neo-Duvalierist political party FRAPH (*Front révolutionnaire pour l'avancement et le progrès en Haïti*), which drew upon much the same elements as the military has always relied upon for civilian terror. FRAPH was allowed the use of arms, and its intimidatory demonstrations were clearly not just tolerated but assisted, and probably directed, by the military, at the same time as peaceful expression of the political views of the majority of the population had been terrorized out of existence. Very soon after its establishment, and before the evacuation of the ICM in mid-October, there was credible testimony directly implicating members of FRAPH in killings and other human rights violations. Armed men considered *attachés* in their areas of origin were reported to be operating in the slums and working class districts of Port-au-Prince, together with or acting as members of FRAPH, to seek out internally displaced people in the city.

It was of course FRAPH which mounted, in the presence of police, the demonstration against the disembarkation of U.S. and Canadian members of the United Nations Mission from the *USS Harlan County* on October 11. The *Harlan County* was withdrawn from Haitian waters on October 12. This withdrawal, ordered without prior consultation with or notification to the UN, precipitated the withdrawal on October 14 of the Canadian UN police contingent. On the afternoon of October 14, the Minister of Justice, Guy Malary, was gunned down in the streets of Port-au-Prince, hours after President Clinton had warned publicly that the U.S. would hold the military responsible for the safety of members of the constitutional government. The Minister of Justice's responsibilities had included presenting to Parliament legislation to create a new civilian police force, separate from the army, triggering the replacement of Colonel Michel François as Chief of Police of Port-au-Prince. On the evening of October 14, it was decided to evacuate the ICM, which had experienced increasingly threatening behavior from the military and its attachés.

### **The Human Rights Situation in Haiti in 1994**

There was no direct human rights monitoring by the intergovernmental organizations between the ICM's evacuation in mid-October and the return of a first group of observers at the end of January. Haitian human rights organizations faced increasing acute difficulties and dangers in their own work; they reported over 400 killings in the three months October-December. When ICM observers returned, they found that the human rights situation in 1994 was worse than at any time during its presence in 1993. Between January 31 and May 31, 296 killings or suspect deaths were reported to the ICM, 254 of them in Port-au-Prince alone. These are conservative figures: the ICM recognizes that it receives only partial information regarding killings. In most cases, the victims had been shot and their corpses abandoned in the streets. Some of the victims remain unidentified: a new phenomenon in 1994 has been the extensive mutilations perpetrated on some of the corpses. Killings are particularly prevalent in the slums of the capital, known to be areas of the strongest support for President Aristide. 50 out of the 130 Port-au-Prince victims whose identity has been established were known activists in popular organizations or members of organizations presumed to be in favor of the restoration of constitutional order. 21 of the victims were children. Where there is information about the perpetrators, they have included members of the armed forces, attachés and members of FRAPH.

The military have launched major operations apparently to hunt down popular leaders in different provinces, in which many civilians have been killed, and dwellings and other property deliberately destroyed. One such operation took place in the Raboteau district of Gonaïves on April 22; the ICM was initially able to determine that at least 12 people were shot to death by uniformed soldiers, but believes the full total may be considerably higher. Another operation took place on and after April 7 in the region of Borgne (Department of the North); the ICM was prevented by the military from carrying out investigations in the area and thus verifying information from a credible source regarding civilian deaths. In both cases the military alleged that there had been attacks on military posts, but neither the ICM nor other international visitors to the areas have found any credible evidence to support this.

The practice of abductions and enforced disappearances has reached alarming proportions. Between January 31 and May 31, 91 cases were reported to the ICM. 62 could be established to be politically-related cases. 28 of those reported to have been abducted were released, the majority of them from clandestine detention centers. Their interrogation had been focused on obtaining information on the structure, activities and membership of popular organizations. The interrogations had almost always been accompanied by torture and cruel, inhuman or degrading treatment.

During its presence in 1993, the ICM received information on only 3 cases of rape. Between January 31 and May 31, a total of 66 rapes were reported to the ICM, and it became clear that rape was being used as a weapon of political repression. 11 of the victims are themselves members of popular organizations, and another 35 close relatives of activists, who were being hunted by the armed men who entered their homes. In 24 cases the perpetrators could be identified as members of the armed forces, attachés or members of FRAPH. In 17 of the attacks the victims were violated successively by several men. The victims included 10 minors, the youngest being 10 and 12, and one woman who was six months pregnant.

Killings, disappearances and rape are only the most extreme of the human rights violations committed by the military and its allies: the ICM continues to report arbitrary arrests, illegal detention, torture and ill-treatment. From the time of the coup onwards, the military's action has been directed at repressing the popular organizations which supported President Aristide: in the most recent phase its destruction of these organizations has become more systematic. The complete elimination of

freedom of expression and association for all those except the extreme neo-Duvalierist right-wing and the political elite has been solidified through the creation of FRAPH.

FRAPH is not to be understood as a genuine political party, although in establishing it the military may well have intended to be in a position to validate their continuing power by arranging an eventual election victory for FRAPH. The presence within it of former soldiers, attachés, former members of the Tontons Macoutes and other armed civilians makes it a paramilitary force which conducts joint operations with the military against popular sectors. It has now established a pervasive presence—including a network of offices—throughout the country. In this context, large numbers of members of popular organizations have been victims of serious human rights violations; many have sought asylum outside the country and the number who are in hiding in the country but away from their homes has been growing. Those who remain in their homes are in fear and cannot exercise their fundamental rights.

Many human rights violations throughout the country today remain unreported. The ICM has been unable, for reasons of security, to reopen offices in the provinces. It has sent teams to make inquiries in different parts of the country; in a number of cases they have been prevented from proceeding by the military, and in some have been threatened. In late March, a team was forced to leave Hinche, the main town of the Department of the Centre, one of the areas of heaviest repression, in the middle of the night by an armed mob of members of FRAPH and soldiers in civilian clothing; the ICM has not yet revisited the area.

The military does not now recognize the legitimacy of the presence of the ICM in Haiti. The High Command has refused to meet with it, although some local commanders have done so. On only one occasion in the four months since its return has the ICM been allowed access to detainees. Haitian human rights organizations operate to whatever extent they can in highly intimidating circumstances, but their coverage of the country is now extremely limited.

### Characteristics of the Human Rights Situation

Three characteristics of the human rights situation in Haiti deserve emphasis.

**First**, the effect of killings of upwards of 70 people a month may be underestimated when they are set alongside the scale of genocidal massacres in Rwanda. But Haiti is not torn by ethnic conflict, nor in a state of civil war. The ICM noted in its October report that:

“the violence practiced in Haiti during the presence of the Mission has been unilateral: violence practiced by the security forces of the State and by those operating under their direction or with their complicity against unarmed civilians. Violence exercised against agents of the State by the civilian population has been almost non-existent.”

Despite claims by the Haitian military in 1994 that some of those killed or arrested have been engaged in or planning armed resistance, the ICM has found no evidence to support this. Killings, disappearances, rape, beatings and other forms of torture are perpetrated in order to suppress any peaceful freedom of expression or association by the great majority of Haitians. Their victims are not only those who are killed and tortured, not only those who flee or live in hiding, but a whole society which lives in fear and the great majority of whose members are unable to exercise their fundamental human rights.

**Second**, the violence is simultaneously both targeted and generalized. Activists in popular organizations have been hunted down and killed in order to destroy leadership at the community level. At the same time, few people are safe: female and male relatives may be victimized in place of their family members; the charge of being a supporter of President Aristide, of which the great majority of the population remains guilty, can be sufficient to bring persecution; and random violence is used to terrorize entire communities.

**Third**, the responsibility for human rights violations of the most serious character extends up the chain of command of the Haitian Armed Forces. The failure of commanders to act to investigate human rights violations and punish the perpetrators would in itself establish such a responsibility. Recent operations, such as that in the Raboteau district of Gonaïves, in which civilians were deliberately killed, were under military command. But the responsibility for the operation of death squads and disappearances is also direct. The ICM received credible testimony directly linking senior members of the military to the operation of armed groups carrying out killings in Port-au-Prince; and the nature of the operation of paramilitary groups, both in general and in specific cases such as that of Antoine Izmèy, clearly implies the complicity of highly placed members of the Haitian Armed Forces.

## Department of State Reporting on the Human Rights Situation

The U.S. Embassy in Port-au-Prince, in my experience, rarely during 1993 sought the overall assessment of the ICM of the human rights situation. The first such occasion after my arrival in April as Director for Human Rights was in mid-July. A meeting then took place between the Embassy official responsible for human rights reporting, and myself and a senior colleague. An unclassified version of the Embassy's report on the meeting was quoted (without being identified as such) at the July 21 hearing on the Agreement of Governors Island and its implementation before the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Affairs of the House of Representatives, in the statement of Nina Shea, President of the Puebla Institute.

The Embassy report seriously mis-stated the assessment I and my colleague had provided at the meeting. We were quoted as saying that the human rights situation over the past six months had been "relatively calm with sporadic serious abuses;" and that human rights violations had remained at a relatively constant rate since January. This was not the experience of the ICM, and we had applied the description "relatively calm" to the situation at the time of the meeting only. We were quoted as referring to "the extraordinary Haitian propensity, on all sides, to manipulate the truth for political ends" and to "often media-oriented human rights events;" and as saying that "both sides regularly alter the factual, forensic accounts of events after the fact to suit their political needs of the moment." No such statements had been made by ICM officials, who did not hold these views. We were quoted as characterizing political abuses as merely "sporadic incidents," and as occurring chiefly in Port-au-Prince; in fact, we had made clear that the experience of the ICM was of political repression generalized throughout Haiti.

I have not seen any other of the human rights reporting by the Embassy during 1993. When the Department of State's Country Reports on Human Rights Practices for 1993 were published in February, I wrote to Assistant Secretary of State John Shattuck a letter dated February 3, which the chairman of this subcommittee submitted for the record at your March 8 hearing on U.S. Policy Toward Haiti. I described the country report on Haiti as a disappointingly flawed account of the period I experienced there, and noted that despite its positive comments on the credibility as well as the effect of the presence of the ICM and citations of our findings, it did not reflect our published or private assessment of the nature and extent of human rights violations. It understated the death toll, and minimized the extent to which killings could be assumed to have been politically motivated.

In early May, a classified cable dated April 12, from Ambassador Swing was quoted in the news media, which I have since read. It recognized that abuses, including "the persecution and elimination of Aristide partisans," were increasing, and argued for more human rights monitors and observers, although its concern seemed to be less with human rights violations *per se* than that "President Aristide and his lobbying apparatus in Washington have increasing substantiation for charges that the human rights situation here is getting worse." Its most widely quoted conclusion was the allegation, given emphasis as part of its summary, that:

"The Haitian left manipulates and fabricates human rights abuses as a propaganda tool, wittingly or unwittingly assisted in this effort by human rights NGOs and by the ICM."

This statement is a slur on both the competence and the integrity of the ICM, and of human rights NGOs inside and outside Haiti. The staff of the ICM include a number of people with extensive experience in human rights fact-finding, in previous positions with the United Nations and with NGOs of proven authority; the training of observers, for which I was responsible, emphasized the care and objectivity essential to human rights reporting; and the ICM is under the direction of persons of the highest integrity. The ICM's experience in its extensive contacts with Haitian human rights NGOs was that they made whatever efforts they could in very difficult circumstances to establish the facts regarding specific violations, and were certainly not involved in the "fabrication" of abuses. Since this unwarranted slur has become public, it requires an on-the-record retraction and apology from the Department of State. A letter I have received from the Department of State about the matter contains neither.

The most disturbing aspect of this cable as an insight into the Embassy's own human rights reporting is its suggestion that incidents of rape reported by the ICM are a case of "violence as propaganda."

"we are, frankly, suspicious of the sudden, big number of reported rapes, particularly in this culture, occurring at the same time that Aristide activists seek to draw a comparison between Haiti and Bosnia."



No evidence whatever was advanced in the cable for this suspicion; there is no indication that the Embassy attempted its own investigation of these incidents; and the Embassy sought no information about the evidence the ICM had collected, which includes medical examinations in all rape cases, before calling it into question.

President Clinton and administration officials have in recent statements expressed publicly a view of the deterioration of the human rights situation in Haiti which now largely accords with that of the ICM and human rights NGOs. Serious questions remain, however, about the quality of human rights reporting by the U.S. Embassy in Haiti over a period that was a critical one for U.S. policy towards Haiti and Haitians seeking political asylum.

### **Implications of the Human Rights Situation**

(a) **The lack of protection for Haitians in Haiti.**—When the ICM was deployed in early 1993, there was reason to believe that the presence of international observers throughout the country could have a positive effect on the human rights situation. Until its evacuation the ICM played three roles: it served as a dissuasive presence, with some positive effect which varied in different regions and during different phases; where its presence did not prevent violations, it intervened promptly on behalf of the victims, in many cases securing their release and ensuring medical treatment for the consequences of torture and ill-treatment; and it reported publicly on the human rights situation, to enable the international community to bring pressure to bear on those responsible.

The human rights situation today is dramatically worse than the one the ICM was conceived to confront. It could have some effectiveness when the predominant violations were arbitrary arrest, illegal detention, torture and ill-treatment. These still occur throughout the country, but the ICM is not able to maintain a presence out of Port-au-Prince; even if it were able to, the current attitude of the military and FRAPH offers no hope that the mere presence of civilian human rights observers can dissuade repression. Today the predominant violations are killings, disappearances and rape, particularly in the capital. Since its return in early 1994, the ICM has played an invaluable role in recording these and bringing them to international attention, and it has given assistance to victims of rape and other torture and ill-treatment. But its presence does not serve to prevent violations, and the refusal of cooperation from the military leave it with extremely limited opportunities for intervention on behalf of victims.

(b) **The danger to asylum-seekers.**—It follows from the above that it is not possible in present circumstances to afford protection to, or indeed to monitor the fate of, asylum-seekers who are returned to Haiti or whose applications under the in-country processing program are denied. A number of the victims of political killing, arbitrary arrest and torture whose cases have been investigated and reported by the ICM are people whose in-country applications had previously been rejected. The administration has stated that it will continue to monitor, through the Embassy in Port-au-Prince, the welfare of those who are repatriated: in fact, neither the Embassy, nor the ICM, nor anyone else is in a position to be able to do so.

The possibility that asylum-seekers who have left Haiti by boat and been returned will be targeted because of their departure has increased following the threat by the illegitimate President Jonassaint that anyone fleeing Haiti illegally will be punished under a 1980 Duvalier decree. On two occasions, during the night of May 16–17 and again on May 22, groups of people about to board boats near the town of Petit Goâve have been attacked by soldiers, in the latter case assisted by FRAPH, and some of them beaten seriously.

Those with a well-founded fear of persecution in Haiti today are not confined to the categories defined in the criteria established by the State Department in February as the basis for in-country interview. The nature of the human rights situation as described above means that while some can be identified as particularly likely to be targeted, many more who do not meet the test applied in-country or under the new procedure for those interdicted at sea are at risk because of the generalized character of the repression in Haiti today. I share the view of the UN High Commissioner for Refugees and most refugee organizations that no one should be returned against their will to Haiti in present circumstances.

(c) **The problem of the Haitian Armed Forces and the need for a new police.**—It is clear from the description of the human rights situation that members of the Haitian Armed Forces at all levels are deeply implicated in serious human rights violations. The present army has its origins in the *gendarmerie*, later called the *Garde*, formed by the U.S. Marines. As one Haitian historian has written,

“the Haitian *Garde* was specifically created to fight against other Haitians. It received its baptism of fire in combat against its countrymen. And the *Garde*, like the army it was to sire, has indeed never fought anyone but

Haitians. Its most important campaign was its participation alongside the Marines in the war against the peasant nationalists \* \* \* But the *Garde* did not turn its arms against the peasants alone. From the earliest days of the occupation, the new form of state violence it represented was also applied against urbanites, and this repressive role intensified as time went on, especially when the occupiers found a growing number of individuals willing to join the *Garde* \* \* \* the young men who joined the new armed forces could not have had any doubt as to what was expected of them \* \* \*

[Michel-Rolph Trouillot, *Haiti: State Against Nation*, 1990]

The institutional nature of the Haitian army, its conduct throughout its existence, and its recent behavior since the coup all indicate that profound change is essential if Haiti is to have a future in which those with arms do not maintain a veto on democratic political change, and the rule of law is maintained with respect for fundamental human rights. There may be some past and present members of the armed forces whose record is suitable for service in a civilian police force, but the new police must have little continuity with the past in its leadership or its personnel. Whatever small army Haiti's political leadership may decide the country needs and can afford must also have a leadership which truly accepts democratic political control. Those who have ordered or committed serious human rights violations must be screened out of its ranks. The efforts of the international community, especially the U.S. which has built up the Haitian army over the years, must be to assist President Aristide and his government in the sensitive task of reintegrating elsewhere those who should not be retained in the army or police, and not to press for inappropriate institutional continuity.

(d) **The approach to reconciliation and justice.**—In his recent address to the Organization of American States in Belem, Brazil, as on many other occasions, President Aristide declared that after the restoration of democracy in Haiti there must be "reconciliation among all, and justice for all." The U.S. and the international community have been concerned to secure an amnesty for members of the military, seeing this as necessary to bring about the stepping down of the military leaders responsible for the coup and subsequent human rights violations. President Aristide undertook to grant an amnesty under Article 147 of the Haitian Constitution, which limits the power of the President to grant amnesty to political offenses, and agreed that he would not oppose an amnesty law if one were adopted by the Parliament. The Governors Island Agreement reflected this undertaking, without clarifying in any way the scope of measures to be adopted by Parliament. On October 3, 1993, President Aristide issued his amnesty decree, covering political offenses from September 29, 1991 (the date of the coup) to July 3, 1993 (the date of the Governors Island Agreement).

The public position of U.S. and UN/OAS negotiators has been that the scope of an amnesty is a matter for the Haitian decisionmakers. In practice, however, they have pressed for Parliament—at a time when it remains subject to military intimidation and some constitutionalist legislators feel unable to participate for reasons of personal security—to adopt a draft law intended to cover all criminal offenses, including murder, enforced disappearance, torture and rape. This draft law is open-ended in date, up to the time of its passage, so that today the military continue to commit grave human rights violations with the expectation that they will be immune from legal proceedings.

An amnesty covering such crimes would be contrary to international human rights law, as it has been developed and defined within both the UN and the Inter-American systems. The positions of the U.S. and the UN in relation to amnesty in the Haitian context contrasts with their commitment to prosecutions for war crimes in former Yugoslavia. The UN Secretary-General expressed grave concern when the legislature of El Salvador adopted an amnesty law, and UN participation in the Guatemala negotiations has assisted an agreement which includes a "commitment against impunity," in which the Government has promised that it "shall not sponsor the adoption of legislative or any other type of measures designed to prevent the prosecution and punishment of persons responsible for human rights violations." The New York Pact signed by Haitian Parliamentarians on July 16, 1993, in pursuance of the Governors Island Agreement, envisages an act establishing a compensation fund for the victims of the coup. But the international community has advanced no proposals for a Truth Commission to investigate past violations, analogous to that established in El Salvador or now to be established in Guatemala.

What is at stake is not only a principle of international law but also the practice of national reconciliation. In the Haitian context, fears have frequently been expressed that acts of popular vengeance will occur. These have taken place in Haiti

in the past, most notably against Tontons Macoutes at the time of the fall of Jean-Claude Duvalier. They are a symptom of a society in which severe human rights violations have been perpetrated and there is no hope of justice through due process of law. This situation exists again today, and if the international community expects President Aristide to be able to restrain popular vengeance, it must support and not oppose measures which will encourage reconciliation through truth and justice.

(e) **The revival of political participation: free and fair elections.**—Elections are required by the end of this year to renew the mandate of all elected local officials, all members of the Chamber of Deputies, and two-thirds of the Senate (one-third whose mandate expires in February 1995, and one-third whose mandate expired in February 1993 and who were illegitimately replaced in unfair elections held by the de facto regime in January 1993). The human rights situation described above makes clear that there can be no possibility of holding elections which could be observed and recognized by the international community until freedom of expression and association have been restored, and not only President Aristide but all local leaders wishing to return to a democratic Haiti have been able to do so. While all parts of the political spectrum should of course be represented in the democratic process, FRAPH should not be permitted to participate as a political party before legal inquiry and proceedings regarding its role in human rights violations have been pursued.

The role of the international community in ensuring the conditions for political participation will be a key one as soon as constitutional order has been restored. The administration has proposed that a "reconfigured" UN Mission in Haiti should be charged with helping to assure basic civic order. This would include ending killings, illegal detention and torture. The mandate of the ICM extends beyond this, to pay special attention to freedom of expression and freedom of association, as well as the right to life, personal safety and security. The UN military and police presence must operate in a way which is compatible with the rapid restoration to the Haitian people of their freedom of expression and association, and the expanded presence of civilian human rights observers should ensure that these rights are again respected.

Senator DODD. Thank you, Mr. Martin, very, very much.

Mr. Schulz, welcome, and pull the microphone close to you, as well.

**STATEMENT OF DONALD E. SCHULZ, ASSOCIATE PROFESSOR OF NATIONAL SECURITY AFFAIRS, STRATEGIC STUDIES INSTITUTE, U.S. ARMY NATIONAL WAR COLLEGE, CARLISLE BARRACKS, PA**

Dr. SCHULZ. OK. Thank you, Mr Chairman.

Just as a preface to my remarks, I would like to say that my testimony here today represents my own personal views and analysis and does not necessarily represent the position or policy of the U.S. Army or the U.S. Government.

Senator DODD. I always have to make that statement when I say anything, too.

Dr. SCHULZ. I was very clearly instructed to say that before I came. [Laughter.]

My testimony is based on a study that I coauthored earlier this year with Dr. Gabriel Marcella, a study entitled, "Reconciling the Irreconcilable: The Troubled Outlook for U.S. Policy Towards Haiti." Since that work was completed, many of its recommendations have become policy. I do not claim that there is any cause and effect relationship; I think it more a matter of happy coincidence. Nevertheless, many of the recommendations have become policy, but the question that I think now has to be posed is whether the policy changes that have been put into effect are too little, too late.

In Haiti, U.S. policy has undergone a funnel effect. The failure of the United States and the international community to impose

strong and effective sanctions much earlier has meant that it is much more difficult to effectively pursue such a course of action today. The risks and costs are greater, and so are the chances of failure. In the end, what we may very well be facing down the road is a choice between two unpalatable alternatives: capitulation or invasion.

There are important lessons here about how and how not to exercise power. One is that procrastination and wishful thinking are no ways to make foreign policy. In Haiti, we tried to avoid coming to terms with unpleasant realities, and in the end have had to face even more unpleasant realities. Halfway measures led to halfway, ineffective results. The problem did not go away, it just got worse.

Another lesson, I believe, concerns the liabilities of allowing domestic politics to determine what you do in foreign affairs. It is one thing to take domestic pressures and constraints into consideration when making foreign policy, quite another to allow them to dictate policy. In Haiti, I would suggest that to some extent U.S. foreign policy became the hostage of domestic politics. Policy has been made with a view to placating certain domestic political constituencies, rather than with a view to solving the problem that is being faced. And that I would suggest is a prescription for disaster.

Indeed, I think this is part of the reason for the extraordinarily ambivalent position that the U.S. Government has taken with regard to Haiti. There has been a lot of waffling and backtracking. What happens is that policy has in effect been whiplashed between various domestic political constituencies both inside and outside the administration, and the result is that our credibility has been seriously damaged. In the end, when this type of thing happens you are likely to find that policy will fail and you will be faced with precisely the choices that you most wanted to avoid all along.

In short, inconsistency and lack of resolution breed failure, and that may very well thrust us into the very intervention that many people, including myself, are so desirous of avoiding. I believe that we are moving in the direction of such an intervention. It is not inevitable. In my judgment, the odds are still probably less than fifty-fifty. But there is no question in my mind but that this is an increasingly likely option. It has become much more likely in the last few weeks. And so I think we need to ask ourselves some fairly hard questions, and let me simply throw out a few of them.

First, what are our objectives in Haiti, and by that I mean what are our real objectives? Are they to restore President Aristide or are they to democratize Haiti? These are not necessarily the same thing. At best, the restoration of President Aristide will only be a first step in a long and uncertain process of democratization that will take years, indeed decades, to fulfill.

At the same time, the same question might be posed with regard to the pursuit of economic development. The problem is that in Haiti there is so little to build on. There are no strong institutions and scant basis on which such institutions or structures might be assembled. The political culture is highly authoritarian. Demagoguery and intolerance are commonplace. Political and class conflicts are so bitter that no matter who is on top at any given moment violence is never far from the surface. What are the odds in this kind

of political culture that we can, that we have the ability, to bring about economic development and democracy?

Another question, or series of questions: Assuming that we know what we want to do in Haiti, and I am not entirely sure that we do, do we have the resources and the will to do the job right, to stay the course, or will we try for a quick fix to alleviate the immediate problem at minimum cost? How long a commitment are we willing to make? At what expense? Is Congress willing to support the kind of substantial ongoing commitment to promote the long-range goals of democratization and economic development? And remember, when we are talking about those things we are talking about generations rather than years. If not, what is likely to happen is that you will see the country fall back into its traditional patterns of chaos and tyranny once the United States and the international community lost interest and leave.

Let me simply cut my presentation short here, with one last question. I have said that I thought that an intervention is becoming increasingly likely. Do we have an exit strategy? It is easy to get in. It may not be so easy to get out. Is there an exit strategy? Is this being discussed seriously? I have not heard it. Should we think about it now, or should we wait until we are already in and we have to grope after it bit by bit? My fear is that the latter will be the case.

Mr. Chairman, thank you.

[The prepared statement of Dr. Schulz follows:]

#### PREPARED STATEMENT OF DONALD E. SCHULZ

Mr. Chairman, members of the committee, I want to thank you for giving me this opportunity to speak to you today on the subject of U.S. policy toward Haiti. It is a subject that I have spent a great deal of time thinking about these past several years, and I welcome the chance to share my thoughts with you. As a preface to my remarks, I would like to make it clear that both my testimony here today and my previous writings on the subject represent my own personal opinions and ideas and do not necessarily reflect the policy or positions of the Strategic Studies Institute, the U.S. Army War College, the Department of the Army, or the Department of Defense.

I am an Associate professor of National Security Affairs and a specialist on Latin America and the Caribbean at the Strategic Studies Institute of the U.S. Army War College. I have been writing on the Caribbean Basin for over two decades and have published a number of books on the region, most recently *The United States, Honduras and the Crisis in Central America* and *Cuba and the Future*. My testimony today is based on a monograph that I coauthored with Gabriel Marcelia earlier this year, entitled *Reconciling the Irreconcilable: The Troubled Outlook for U.S. Policy Toward Haiti*.

In our study, Dr. Marcelia and I examined the socioeconomic and political dimensions of the Haitian crisis and the efforts of the United States and the international community to resolve that crisis. We assessed the prospects for restoring President Aristide and the difficulties that are likely to attend any attempt to promote sustained political and economic development. Specific criticisms were made of U.S./international community policy, options were evaluated, and recommendations set forth. Among the major conclusions and recommendations were the following:

#### INTRACTABLE SOCIOECONOMIC CRISIS

- At the heart of the dilemma is that there is almost nothing to build on. Haiti's human and material resources are either in such short supply or have been so degraded by poverty, illiteracy, malnutrition, disease, violence, corruption, overpopulation, rapid urbanization, deforestation, and soil erosion as to raise questions as to its continued survival as a society and an independent nation-state.

- Since the September 1991 coup that overthrew the Aristide government, this bleak panorama has gotten considerably worse. Widespread repression and the impact of the O.A.S and U.N. embargoes have combined to ravage the Haitian socio-

economic structure. Unemployment has soared. The health care system has been decimated. Repression has all but destroyed a once flourishing civil society. Several hundred thousand people have fled to the countryside or gone into hiding. Rural development projects have been destroyed; crops have gone unplanted. Only the presence of international nongovernmental organizations, which have provided food for 800,000 Haitians daily, has prevented massive starvation.

- Complicating the problem further is the fact that there are no strong institutions and scant basis on which such structures might be assembled. There is no professional class in the sense that most countries have a large corps of competent managers and technocrats, dedicated to the public good. Any government will be talent-thin; its human resources will be largely neutralized by corruption. It will be years before enough Haitians can be found (trained or lured back from exile) to run the government and the economy in a reasonably efficient manner. And that will be the easy part. Much more difficult will be the task of instilling the values of honesty and professionalism that would give Haiti's politicians, administrators, policemen, and military officers the will to place the public interest above their own personal profit.

- Without the above, no amount of aid will be enough. One cannot simply pour money into Haiti and assume that its problems will be solved. The country has no capacity for absorbing large-scale foreign aid. Without foreign supervision, such assistance will rapidly find its way into the pockets of Haitian elites, old or new. Nor can one expect to just be able to set up an infrastructure and leave it. Roads and buildings have to be maintained. If the United States and other foreign donors are not willing to stay and perform such tasks, while training the Haitians to take over in the longer run, then international efforts will be largely wasted.

### IRRECONCILABLE POLITICAL FORCES

- International efforts will take place within a political context that is unlikely to be conducive to socioeconomic development. Haiti is an intolerant society. Political and class conflicts are so bitter that, no matter who is on top at any given moment, violence is never far from the surface.

- Even should Aristide be restored, the prospects for democracy and political stability would be problematic. Aristide himself is a product of a political culture marked by authoritarianism, demagoguery and intolerance. As President, he showed little interest in establishing a rule of law or abiding within constitutional restraints. Rather, his politics were those of messianism and class struggle. He governed as a populist demagogue, appealing directly to the country's impoverished masses through fiery speeches that inflamed class hatred and at times condoned mob violence.

- The other element in the internal Haitian political equation is the ruling class (the military and its allies in the economic elite) and its instruments of violence (the enlisted soldiers, the paramilitary attachés, and the resurgent Duvalierists in the FRAPH). Haiti has long been ruled by a shifting coalition of groups whose record of rapaciousness and brutality is as sordid as that of any ruling class in the world. This power structure is by no means conflict-free; moreover, it seems to have no solid center. The only thing that binds these diverse elements together is their hatred and fear of Aristide and "the mob."

- Even if it were possible to obtain the cooperation or acquiescence of certain individuals or groups, it is unlikely that this could be parlayed into a broad consensus on such issues as Aristide's return, the professionalization of the armed forces, or the creation of a separate civilian police. The perceived threats are too great, both personally and institutionally. On one level, military officers worry about physical survival; on another, they fear that professionalizing the armed forces would cost them their careers. Furthermore, the creation of an independent police force would deprive the military of its primary mission—maintaining internal order—and its apparatus of control in the countryside. At the same time, it would present the military with the prospect of having to deal with another armed institution, under civilian authority, which would become a competitor for resources and, most likely, power. Finally, there is the question of booty. Currently, the military receives about 40 percent of the national budget; it controls many state-owned enterprises. Officers routinely use their positions for economic gain by extorting bribes and engaging in contraband, drug trafficking, and other illicit activities. Any government that threatened these sources of wealth—as Aristide has vowed to—would invite a coup.

- For the enlistees and attachés, also, the international community's plan to "restore democracy" and reduce and "professionalize" the military represents more of a threat than an opportunity. Many of them will lose their jobs. Moreover, the lower-ranking elements in the apparatus of repression tend to be even more anti-Aristide than their commanders. They have borne most of the brunt of the violence

committed by Aristide's followers. Whereas officers can always flee into exile if things get too hot, the enlistees and hired guns are not so fortunate. Their ultimate nightmare is to be deserted—left alone to face the mob.

- While significant conflicts have developed between the military and its civilian allies (especially those in the economic elite), the latter still risk losing their privileged positions, and perhaps much more, if Aristide returns. Currently, there are at least a dozen power centers outside the armed forces, based mainly in the drug/contraband/Duvalierist complex. During 1993, these groups grew in both number and size as extreme right-wing exiles returned to the country and organized their own private armies. Whereas institutions like the Army and police are easy to identify, these "occult groups" are extremely difficult to deal with. What seems to be emerging looks more like a warlord system than a centralized repressive apparatus.

- Can these seemingly irreconcilable antagonists be reconciled? The instinctive answer is "no." The military and its allies worry that their power, wealth, and lives will be endangered should Aristide be restored. Aristide fears that he will be in constant danger of a coup or assassination. And both sides have ample reason to be afraid. To be feasible, a restoration of the Haitian President would have to be accompanied by the introduction of an international peacekeeping force, capable of providing security for both sides.

## THE UNITED STATES AND THE INTERNATIONAL COMMUNITY: PART OF THE PROBLEM

- A successful policy toward Haiti must have at least three elements: There must be (1) clearly defined and realistic goals, (2) the means of attaining them, and (3) the will to persist. Unfortunately, these have been precisely the qualities that have been lacking in the international community's policy. (At least this was the case until very recently. Whether the more aggressive tactics of the last few weeks can be sustained and built upon remains to be seen.) By any standard, international sanctions have been a failure. They have further devastated the Haitian economy without restoring President Aristide. The O.A.S. and U.N. embargoes have accelerated environmental damage, contributing to near-famine conditions in some areas and causing (in conjunction with other factors) extreme hardship for ordinary Haitians while only belatedly touching the elite. Indeed, many of the latter have grown richer through smuggling and drug-running operations.

- Much of the responsibility must be laid at the door of the United States. U.S. policy has been marked by incomprehension and misjudgment of Haitian realities, a flight from leadership, and a reluctance to take measures that might have convinced the Haitian power elite of Washington's seriousness of purpose. The result has been weak and indecisive behavior that has sent all the wrong signals, Haitian leaders came to the conclusion that the United States could be manipulated and outmaneuvered. Consequently, they have sought to stretch out negotiations and prolong the crisis in the expectation that, when push comes to shove, the United States and the international community will back down rather than inflict unacceptable suffering on ordinary Haitians.

- The July 1993 Governors Island Agreement to restore Aristide was inherently unworkable. By providing for the lifting of sanctions before Aristide returned and at a time when General Cédras, Colonel François and their allies still occupied key positions of power, the accord enabled the latter to obtain short-term relief while they restocked supplies and protected foreign financial holdings in preparation for the longer struggle to come. Moreover, the agreement had no enforcement mechanism beyond the threat to reimpose sanctions. The foreign military and police that were to be introduced into Haiti were trainers, engineers, and observers rather than peacekeepers. They were lightly armed and operated under highly restrictive rules of engagement. Nor was there any provision for purging the Haitian military and police of corrupt or abusive elements. Under such circumstances, it was unlikely that mere "training" would have much effect. Indeed, the signals that were sent were interpreted to mean that the international community was not serious about what it was doing and that the accord could be sabotaged with minimum risk or cost.

## LESSONS AND IMPLICATIONS

- The United States and the international community have suffered from illusions about their ability to fashion an effective Haiti policy in the absence of strong U.S. leadership. They have seriously misread the Haitian military and its allies, ascribing to them a degree of reasonableness and flexibility that is largely nonexistent. Rather than using their bargaining leverage firmly, they resorted to wavering, incremental pressures that stretched out the crisis and inflicted far more damage than would have been likely had an effective embargo been imposed from the beginning.

- In Haiti, the intentional community had been dealing largely with thugs rather than military officers. And what thugs understand is power. One has to use it in a way that will be credible, keeping in mind that a failure to apply leverage that is so obviously available will be interpreted as weakness and will simply encourage further recalcitrant behavior.

- The United States and the international community cannot create democracy in Haiti. Only Haitians can do that. But for that to happen, there would have to be a wholesale transformation of the political culture. The restoration of Aristide would only be the first step. Far more difficult would be the creation of professional military and police forces that would be reasonably competent and subordinate to civilian control. Equally important, moreover, would be the construction of an effective and fair judicial system. All this would require a substantial, ongoing U.S. and international effort. A U.N. peacekeeping force would have to be introduced to provide political stability and security for all sides. Haitian troops and police would have to be vetted and human rights offenders removed. U.S. and other foreign sponsors would have to provide much of the human infrastructure that would assure that humanitarian and development aid would be used effectively. Beyond the tasks of administering aid, providing medical care, building roads and schools and so on, there would have to be a major, long-term educational and training program to enable Haitians to acquire the skills and values that would gradually enable them to replace foreign personnel.

- Even if such a program were to be launched, there are no guarantees that it would succeed in its most ambitious objectives. Political cultures are hard to change, and one must be prepared for considerably less than optimum results. In addition, some Haitians will resent a large-scale, indefinite foreign presence, no matter how well-intentioned. If international forces should become involved in Haitian domestic politics—as seems likely—the stage would be set for a serious nationalistic backlash.

- Nevertheless, to do much less would be to seriously constrain the prospects for success. The current crisis can be alleviated through a massive, short-term humanitarian effort. But unless the international community—and especially the United States—is willing to stay the course, one must expect Haiti to once again descend into chaos or tyranny once the foreigners pull out.

## POLICY OPTIONS

- Stick with some version of the Governors Island Agreement. This would provide for the introduction of foreign military and police observers, trainers, and engineers, but not heavily armed peacekeepers. While this may be the most probable course or action, its prospects for success are not good. Even if Aristide can be restored—and this is no sure thing—without a substantial number of international peacekeepers and a strong, reliable security force, his longevity could not be expected to be very great. Assassination is a real possibility, and it might well plunge the country into truly massive violence.

- A second option, military intervention, was until recently dismissed as “unthinkable” by U.S. policymakers. Yet, there are a number of circumstances (for instance, the outbreak of xenophobic violence, especially if directed against U.S. citizens) that might produce such a scenario. The possibilities here range from a full-scale occupation (for which the will does not presently exist) to a limited intervention (much more likely). In either case, the international commitment would have to be ongoing to be successful. The temptation will be to try to do the job “on the cheap.” The smaller the commitment and the shorter the duration, the greater will be the chance of failure.

- On the other hand, a “success” is problematic in any event. Among other things, it is not clear that Aristide and his followers could accept an extended military presence. A nationalistic backlash (perhaps violent) is a very real possibility. Thus, a more limited intervention—while less likely to foster democracy and political stability—would at least reduce some of the risks and costs involved.

- A military intervention would have been much easier prior to last autumn. Since then, however, the Haitian Army and its allies have institutionalized a structure of terror throughout the country. That structure will not be easy to uproot. Even if Aristide is restored, the apparatus of terror will seek to undermine his government in preparation for his overthrow once foreign troops have left.

- Another possibility would be to create a Haitian liberation army to invade the country and overthrow the current regime. The problem is that a competent fighting force cannot be created overnight. It would take months—probably a half year or more—to implement. Meanwhile, the crisis will grow worse.

- Beyond this, the strategy would probably lead to a major increase in bloodshed. The Haitian military might well try to preempt the attack by stepping up the vio-



lence against Aristide's supporters. Furthermore, while it would be easy to start a war, it might not be so easy to end it. In Haiti, revenge is a powerful motivator. How do you stop the killing once the enemy has been defeated? It may make sense to create such a force as a means of exerting pressure on General Cédras or to help legitimize a U.S. or U.N. invasion. But to set it loose on its own is another matter. This is a prescription for a bloodbath. Moreover, a victorious liberation army could well become the basis for a new dictatorship. While this may not be inevitable, given Haiti's history, it does seem probable.

- Still another variant of the military option is a nonpermissive (i.e., forcible) humanitarian intervention. The problem is that unless the basic causes of the crisis are eliminated, it is likely to reemerge once the peacekeepers leave. A real solution would require an extended foreign presence and the disarming of those elements responsible for the crisis. The pitfalls of such an operation are painfully evident in the U.N. operation in Somalia.

- Another possibility is a nonmilitary humanitarian option (permissive humanitarian intervention). The United States and the international community are already engaged in such an effort through nongovernmental organizations such as CARE. This aid might be expanded even as sanctions are tightened. If successful, a permissive intervention would ameliorate (though not solve) the immediate humanitarian crisis. But it would not address the larger political problem or the long-range socioeconomic needs of the country. The Haitian military, moreover, might well refuse to allow such deliveries, or might seize or siphon off these resources. Only if the expanded operation were to be accompanied by substantial concessions would the Haitian military be likely to cooperate.

- Finally, there is the option of disengagement. The international community could accept defeat and lift the sanctions on the grounds that they have become unacceptably destructive. This would do nothing to address the fundamental problem of the society. It would consign the vast majority of Haitians to oppression and poverty and deprive them of hope for the future. Pressures to emigrate would continue. The United States would be faced with a choice of indefinitely pursuing a policy of forcible repatriation, with all its objectionable moral overtones and economic costs, or suspending it and inviting a sharp increase in boat people. At the same time, there would be significant political costs to such a policy change. Critics would denounce it as a sell-out of democracy and a capitulation to thuggery. The credibility of the Clinton administration, the United States, and the United Nations would be seriously damaged.

## RECOMMENDATIONS

- This is a terrible menu of options. For that very reason, the United States and the international community have taken the easiest way out: They have avoided coming to terms with Haitian realities and the implications of their own behavior. Unable to go either forward (intervention) or backward (disengagement) without incurring unacceptable costs, they have resorted to (ineffective) sanctions as the least painful course of action.

- In our study, we argued that this tactic had now come up against the limitations of political reality, and that hard choices had to be made. Rather than trying more of the same (which no longer seemed feasible, given the humanitarian implications) or opting for disengagement (which would have abandoned the Haitian people to the tender mercies of their tormentors) or invasion (which had little political support), we recommended that the United States and the international community should get serious about sanctions. Specifically, we said that:

A worldwide U.N. embargo, enforced by warships of the United States and other interested nations, should be placed on all trade and aid except for food, medicine, and other humanitarian goods and services. These sanctions should be targeted much more heavily on Haitian military and civilian elites than has been the case in the past. This would mean striking not only at the very top of the armed forces pyramid, but at the officer corps as a whole. Such measures (for instance, the seizure of foreign financial assets, the denial of visas, and the restriction of air traffic) should also be applied more broadly against the economic elite. The object is to create and aggravate divisions within the power elite and provide the motivation for dissident elements to challenge the power and policies of the current military leadership.

- Such moves would send the Haitian military and its allies a powerful message and go a long way toward restoring the credibility of the United States and the international community. Beyond this, pressure could be placed on the Dominican Republic to choke off cross-border trade that has been ameliorating the impact of the embargo.

- These measures might bring the Haitian military into line, but then again nothing is guaranteed. The Haitian military and its allies have had ample time to stockpile supplies. Much depends on the will and ability of the United States and the international community to effectuate the sanctions and keep them in place until they have had time to have the desired effect. In the meantime, however, those measures will accelerate an already serious humanitarian crisis. To avert a disaster on the ground, therefore, we recommended that humanitarian aid should be rapidly expanded:

A "humanitarian corridor" should be opened to ensure that the most essential human needs are met and guard against the misuse of aid.

Should the Haitian military refuse to allow such an operation, it should be put on notice that obstructionism and violence will not be tolerated. The United States and the international community must be prepared to back up this message by stationing a sizable contingent of appropriately armed and equipped U.N. guards to protect the operation. Haitian military leaders should be told that (1) they will be held personally responsible for any violence that might occur, (2) that any perpetrators of such actions will be subject to prosecution under international laws dealing with the gross violations of human rights, and (3) that should a full-scale intervention be required, the Haitian armed forces would be dissolved.

- Such a strategy contains very real risks and costs: it would not end Haiti's problems or U.S. and other foreign involvement in them. The country would need massive development aid for the foreseeable future. But this course at least offers the hope that the country's grave socioeconomic and political ills might at last be seriously addressed. Under such circumstances, it might be possible to reduce human rights abuses and normalize migration. (The latter being by far the most important national interest that the United States has in Haiti.) If successful, the strategy would enable the United States to reclaim the moral high ground and restore some of its currently tattered reputation as a Great Power. It would also replace a policy of weakness with one of strength, while allowing the U.S. Government to fulfill its obligations to those Haitians whom it encouraged to risk their lives and who now feel abandoned.

- Since this study was completed early this year, many of these recommendations have become policy. The question now is whether they are too little, too late. In Haiti, U.S. policy has undergone a funnel effect. The failure of the United States and the international community to impose strong and effective sanctions much earlier has meant that it is more difficult to pursue much a course of action now. The risks and costs are greater, and so are the chances of failure. In the end, we may well be faced with a choice between two unpalatable alternatives: capitulation or invasion.

There are important lessons here about how and how not to exercise power. One is that procrastination and wishful thinking are no ways to make policy. In Haiti, we tried to avoid coming to terms with unpleasant realities and in the end have had to face even more unpleasant realities. Half-way measures led to half-way, ineffective results. The problem didn't go away; it just got worse.

- Another lesson concerns the liabilities of allowing domestic politics to determine what you do in foreign affairs. It is one thing to take domestic pressures and constraints into consideration when making foreign policy; quite another to allow them to dictate policy. In Haiti, U.S. foreign policy became the hostage of domestic politics. Policy has been made with a view to placating certain domestic political constituencies rather than to solving the problem faced. That is a prescription for failure.

Mr. Chairman, committee members, I thank you for your time. I would be pleased to try and answer any questions that you might have.

Senator DODD. Thank you, Mr. Schulz. That is an upbeat piece of testimony. [Laughter.]

At any rate, I thank all of you for your comments and suggestions here, and again, I appreciate your willingness to try to synthesize these remarks. Let me just ask some questions and run down the group here with you.

There are two points. The first is as you see it on the effectiveness of the present sanctions that are being imposed or are imposed, we have heard varying testimony here from Mr. Gray, from Ambassador Gray and Senator Graham, about whether or not they

are doing the job. I do not mean whether or not it is perfect or not, but whether or not it is doing the job. And I would like your quick comments on whether or not you think this is having any effect at all on the targeted audience in Haiti? Mr. Barnes.

Mr. BARNES. Well, Mr. Chairman, clearly the sanctions are stronger than they have been throughout this crisis.

Bill Gray deserves credit for helping to move this process forward, both in our own Government and internationally in the meetings he has had with representatives of other governments. But there is a lot more that could be done, could be done quickly, to help get this crisis over with quickly, and if all of it were done, the crisis could in fact end very quickly in the view of President Aristide.

For example, as was discussed, Air France is still flying. All the other countries have ceased their flights but Air France is still flying.

Senator DODD. Given the close relationship between Haiti and France historically, how do you explain that?

Mr. BARNES. Well, I am hoping it is a bureaucratic thing in Paris.

Senator DODD. That is being redundant, is it not? [Laughter.]

Mr. BARNES. Bill Gray just told us this afternoon that the French are going to be taking a decision on that issue perhaps this week.

Senator DODD. Are you optimistic about it?

Mr. BARNES. We are hopeful. I do not know if optimistic would be fair, but we are hopeful, so clearly that would have important impact. Again, as he stated, that will not hurt any poor Haitians.

Second, we could expand the visa and asset sanctions to cover all Haitians, paralleling the Cuban embargo as you discussed earlier with other witnesses.

We could facilitate broadcasts by President Aristide throughout the country. Currently, radio and television broadcasts are largely controlled by the Haitian military, and their message is being heard by everyone, but the message of democracy and hope and what will happen after the restoration of democracy is not being heard. That is a story that is exciting and a very hopeful message for all Haitians whether they supported President Aristide's election or not.

We ought to be conducting a propaganda campaign against the officers and the coup backers through broadcast and through other mechanisms that are available to the international community.

There could be charges brought in international courts or in domestic courts in other countries on drug trafficking, for drug trafficking crimes, against the members of the high command of the military. There is ample evidence now that these individuals have in fact been engaged in drug trafficking.

Senator DODD. Let me ask you this, Mike: Do you think, assuming a lot of these things get done, is it your opinion that sanctions using that word to describe all of these activities, can produce the desired results?

Mr. BARNES. It is President Aristide's strong view, and always has been, that tough sanctions coupled with a clear, firm, political will that is undeniable, that the actors in Haiti all come to understand is real, they are not going to win, they are going to lose, it

is a matter of what time their plane is leaving, it is President Aristide's view that it can in fact succeed.

Just another couple of items that could be done quickly: only about half of the Haitian military officers are currently on the list of individuals who have had their assets frozen. Well, why not all of them? Why not their family members? Why not the members of the puppet governments that have been propped up by this Haitian military dictatorship? Marc Bazin, who played the role of prime minister and tried to get the embargo lifted and what-not, his name is not on the list. Mr. Honorat, the first phony president, his name is not on the list. The cabinets of these phoney governments, they are not on the list. Their family members are not.

So these are things that could be done today, should be done, and would certainly be helpful to moving this process forward.

Senator DODD. Mr. O'Neill.

Mr. O'NEILL. Yes. I just want to say before I joined the UN Civilian Mission in Haiti I was the deputy director of the Lawyers Committee for Human Rights, and my organization precisely called for worldwide sanctions, revoking visas, and asset freezes in October 1991, about 32 months ago, and I just regret that it is only very recently that those steps have been taken.

So I think I might fall between Senator Graham and Mr. Barnes. I am certainly more sanguine than Senator Graham about the sanctions working. I do hope they work, but I also feel it may be too late in the day, that those people know how to move around money and to hold onto power, and they may just after 33 months continue to believe they can call a bluff.

Senator DODD. Mr. Martin.

Mr. MARTIN. I am less certain than Mr. Barnes on behalf of President Aristide that sanctions alone can work, and certainly less certain than Senator Graham that they are having no effect on the military or that the business elite is not in a position to bring real pressure to bear on the military.

The two things I tried to explore when I was most recently in Haiti, which was when the border with the Dominican Republic was sealed but before the application of the cutoff of flights and the freezing of assets, was, one, what were the signs of discontent at different levels of the military, and two, did well-informed people believe that the business community still had the possibility to exercise effective pressure on the military or, as Senator Graham suggested, did that leverage no longer exist.

There were then, and have been since I think, real signs of divisions within the military, and the view then was that there were those in the business community with the ability to bring pressure to bear on the military, and their will to do so should have been increased by recent measures.

So I am not at all sanguine the sanctions alone or the present policy, sanctions backed by the credible threat of the use of force, will succeed, but I do not discount it.

Senator DODD. You have sort of answered this already, Mr. Schulz, but I will give you a chance to respond.

Dr. SCHULZ. I essentially agree with Ian. I think that the sanctions have a fair chance, but less than fifty-fifty. I think it is fair, however, that the sanctions combined with the threat of interven-

tion have aggravated divisions both within the military elite and between the very top- and middle-level-officer corps; also between the military and its civilian allies. I would not be surprised to see a falling out of thieves, a possible coup attempt, who knows?

Senator DODD. You ought to be a novelist, I think, Mr. Schulz, with all of those theories.

We are going to hear shortly from John Shattuck, who is a good friend and Assistant Secretary for Human Rights for the administration, and I want to ask both of you because you both have been very critical, Mr. O'Neill and Mr. Martin, of the administration's handling of the human rights information, and particularly reports coming out of the Embassy regarding the level of human rights violations. How do you explain this? You all both know, certainly, John Shattuck. You know his office; you know the people there. There is no history of any lack of commitment on human rights at all; in fact, quite the contrary. Would you put some more flesh on your statements, which were rather critical?

Mr. MARTIN. I think the Embassy's resources to do real human rights monitoring have been very limited, but I also think that a major priority for the Embassy has been providing information relating to the refugee policy, and the refugee policy has established an interest in the Embassy of downplaying the extent to which repression is political and gives rise to refugee claims, and therefore either underestimating the extent of repression or underestimating the extent to which it is politically targeted rather than generalized violence.

Senator DODD. Mr. O'Neill.

Mr. O'NEILL. Yes. I concur, and I think it is not only that cable, but also if you look at the State Department Country Report for Haiti for 1993 it contains many of the failings and shortcomings that Mr. Martin has just described with regard to the cable. And also I think for the same reasons, it is directly tied to the refugee policy.

Senator DODD. Mr. Barnes or Mr. Schulz, do you want to comment on that?

Mr. BARNES. Every independent observer has recognized that Haiti is a human rights nightmare. That is a quote from Human Rights Watch. It is unfortunate that the U.S. Government, as has been indicated by the other witnesses, consistently downplayed what has been happening there.

I think Bill Gray, in his testimony today and in other remarks, is making clear what in fact is happening in Haiti. I think it is now more recognized. But our Embassy in Port-au-Prince needs to be part of the program, not undermining the program, in this instance and in others.

I might just mention one other area. While pressure is being exerted through sanctions on the military and the elite who support the military, our Embassy continues to in some respects reach out to people who are close to the military and give them reason to believe that they can be part of a political solution like the one we discussed at the last hearing before this subcommittee on this subject, Mr. Chairman, which would not really be a democratic solution but one that would ultimately result in power-sharing.

The American Embassy in Port-au-Prince needs to be very careful about what kinds of signals it sends. It is one thing to meet with people who are supporting the military or close to the military to encourage them to push the military to do the right thing. It is altogether another issue to meet with them to suggest that they might be part of some kind of power-sharing arrangement once the military leaves power.

Senator DODD. Mike, do you want to pick up on this? There are some press accounts, and I understand the Constitution of Haiti when it comes to military intervention, but I would like you to see if you cannot articulate this obvious reticence on the part of President Aristide to endorse the option of military intervention in light of the fact that, as we hear, that option is one that is getting more consideration. It seems to me there ought to be some better choice of words than placing the situation in such a case where you have the very person we are trying to help restore rejecting that option. At least that is the clear implication. And I wonder if you could take a minute and try and sort this out, this contradictory—at least apparent contradiction.

Mr. BARNES. Well, as you would expect, President Aristide was asked about this at the Press Club today at lunch, and he responded at some length on the subject. It is his view that military action will not be necessary to resolve this crisis and is not the right way to resolve this crisis. The best thing for Haiti is for the effect of the sanctions to be maximized, the pressure to be intense, so intense that this crisis ends very quickly.

He noted in his comments at the Press Club that in three recent instances dictators left Haiti without the necessity of foreign military intervention. Obviously, Jean-Claude Duvalier, "Baby Doc," left without foreign military intervention. He was assisted by an airplane. General Namphy, General Avril, all of them decided, under international pressure as well as domestic pressure, that the best thing for them—I do not think they were thinking about the best thing for Haiti, but the best thing for them—was to get on a plane and get out of the country. Those are precedents which are not altogether irrelevant to the current situation.

Senator DODD. Well, Mr. Schulz, one last point to you. I understand and I share a lot of your concerns about having missed some opportunities earlier on to make the case and then act on it, and I think you are correct in your assessment of that. But let me ask you to put on your military hat. I think we have all heard it: If you are going to get in, you ought to know how to get out, an exist strategy and so-forth.

But if you would, take a couple of minutes and assess the military difficulty of succeeding with a multinational force or a unilateral force or however it would be described. Assuming it had technical capability, modern capability. How difficult would you imagine a military intervention to have in ousting the Haitian military and the police force from power?

Dr. SCHULZ. I do not think it would be a difficult thing at all to oust them. I would not expect the Haitian military to put up much of a fight. I would expect them to kind of meld into the woodwork and try to preserve the structure of terror that has been created throughout the countryside particularly.

Senator DODD. How well armed is FRAPH?

Dr. SCHULZ. Mostly light weapons. They have got some heavy arms, but not anything that would cause any problems for the U.S. Army. Many of their weapons are antiquated or nonfunctional. Discipline is very poor. The naval and air forces are virtually nonexistent. One would expect some light initial resistance, along with isolated instances of sabotage or assassination attempts—snipers, that type of thing.

I think the Haitian military has been profoundly influenced not only by the Harlan County affair but by Somalia. Remember, the Harlan County came right on top of the Somalia affair where we lost 18 servicemen and had pictures before American TV audiences of the bodies of American troops being dragged through the streets. I think they would expect—some of them would expect, or at least hope—that if they could kill a few, or perhaps a few dozen, U.S. servicemen that there would be such a hue and cry in Congress and the public that Mr. Clinton would have his hand forced and would have to withdraw U.S. troops.

I think the longer we stay in there the more likely you are to see a nationalistic backlash—that also is a very worrisome thing—not only on the part of the extreme right—the FRAPH, etc.—but also within Aristide's camp itself. You asked why he is so reluctant to embrace the idea of an invasion. One reason certainly is that a large part of his own constituency in the popular sector of his political movement has always been very strongly anti-intervention, anti-foreign occupation.

He might very well be rejected by many of his own people, and I would not discount the possibility of violence, even violence directed at him.

Senator DODD. Well, thank you all very much. I appreciate immensely your testimony here today, and there may be some additional written questions for you, but in the meantime we will be in touch with all of you.

Thank you very much.

Our last panel—and I am grateful for their willingness to sit through the testimony of today, I hope it has been helpful for them to hear it—will be the Honorable John Shattuck, Assistant Secretary for Human Rights and Humanitarian Affairs, Department of State; the Honorable Mark Schneider, Assistant Administrator for Latin America and the Caribbean, Agency for International Development; the Honorable Frederick C. Smith, Principal Deputy Assistant Secretary for International Security Affairs, Department of Defense; Mr. R. Richard Nucomb, Director, Office of Foreign Assets Control, Department of the Treasury; and the Honorable Brunson McKinley, Deputy Assistant Secretary, Bureau of Population, Refugees, and Migration, at the Department of State.

I hope it has been helpful for you to hear some of the testimony and the comments during the day. I am grateful to you for your willingness to be here with us today.

Let me begin with you, Secretary Shattuck, and ask you to comment. We will leave this clock on here to act as a reminder more than anything else. You do not have to live exactly by it, but try to keep your remarks, if you could, relatively brief, and we will try to get all of our panel members here and respond to not only your

testimony here but I would like to take advantage of your presence here to respond to some of the things you have heard if your remarks do not include that. It saves me going back to questions at a later point.

So if you could pick up on some of these issues that have been raised here, whether it is regarding the human rights issue, the prospects of aid after a successful result here, or a refugee policy and the like, I would like you to comment on those, if you would. With that, Mr. Secretary, we are delighted you are here.

**STATEMENT OF HON. JOHN SHATTUCK, ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, DEPARTMENT OF STATE**

Mr. SHATTUCK. Thank you very much, Mr. Chairman, and thank you for performing the service of having this extremely important hearing on the subject of Haiti. I have a prepared statement which, as you indicate, I will submit for the record and summarize portions of it, and make some other comments in addition, Mr. Chairman.

The human rights record of the military dictators of Haiti, as Ambassador Gray has pointed out, is appalling. Since the very time of the coup against President Aristide, the situation, the human rights situation in Haiti, has been very serious indeed. I want to focus on the period where abuses began to rise dramatically, in July and August of last year when the international community took efforts to implement the Governor's Island accords, and of course they were not unilaterally, they were violated by the military regime.

The number of politically motivated killings in Port-au-Prince rose at that time, culminating in the brutal assassinations of pro-Aristide activist Antoine Izmerly and Justice Minister Guy Malary in October. In the wake of the military regime's failure to implement the accords, the international observers withdrew for security reasons, removing one of the few effective restraints on political violence at that point, which was getting more serious. The ICM monitors returned in January 1994, and now there are 69 in the country, all stationed in Port-au-Prince.

Human rights abuses have remained very high throughout this period and have qualitatively and quantitatively worsened in recent months. At the beginning of April, following several shocking reports from not only our Embassy but from the ICM, from non-governmental organizations in Haiti, and from the media, the State Department issued a series of additional statements denouncing the political violence and holding the military responsible, underscoring all the earlier reports by all of these groups of an increase in human rights abuses.

The violence reported then and now included deeply disturbing reports of almost nightly raids on neighborhoods where many Aristide supporters live. A new element to those reports was the use of rape for the first time in Haiti as far as we know for political reasons against family members of political activists; the abduction of children; and the disfigurement of victims faces and other portions of their body. I have presented in my prepared statement a listing of examples of some of the most egregious or some egregious



examples of human rights abuses that have occurred during this period involving targeted killings, the terrorizing of neighborhoods, the use of rape as I have indicated, political abductions and the burning of homes, a catalog of abuses that certainly ranks the military dictators of Haiti among the most serious abusers in the world today of human rights in a world situation where human rights are in grave jeopardy in a lot of places.

The daily abuses continue, and indeed they seem to be in some respects worsening. As I point out in the testimony, there are a number of instances that we are aware of in June where among other things a labor activist was beaten on June 15 and fatally shot in front of her three young children, and a wide variety of other situations similar to that.

Most recently, a delegation from the Inter-American Commission visited Haiti from May 16 to May 20. They found that the human rights situation in Haiti had deteriorated seriously since their last visit in August 1993. The delegation identified 133 cases of extrajudicial killings between February and May of this year; it found that a new practice of leaving severely mutilated corpses on the street to terrorize the populace was being used; the delegation also found evidence of rape and sexual abuse committed against the wives and relatives of the regimes opponents and interviewed 20 of the victims; it also identified numerous cases of arbitrary detention, disappearances, and torture. The delegation attributed full responsibility for the deteriorating situation to the military and their puppets, and this is a conclusion which we fully share in the U.S. Government.

The key to ending these abuses, of course, is to resolve the crisis by removing the military from power and restoring President Aristide to his democratically elected and rightful position. We are urging the UN and the OAS to maintain the number of international civilian observers, and if possible to augment their number. At the same time we are committed, as the Embassy draws down in the context of the process of imposing the sanctions while at the same time we are committed to strong and continued human rights reporting by our Embassy political officer. The Embassy co-operates closely with the ICM and offers logistical support for its efforts. The U.S. has also pledged \$13 million to fund the operation.

Mr. Chairman, I would like to be very clear about the extremely important role that has been and is being performed by the ICM. In his testimony, Ian Martin, an old friend and colleague from our days at Amnesty International together, cited an April 12 Embassy cable which seemed to call into question the accuracy of ICM human rights reporting. I want to state very clearly for the record that Ambassador Swing has expressed in a letter to NGO's his sincere regret and apology at any implication in this cable that the ICM was erroneously reporting human rights abuses. I want to state unequivocally my own view and the view of our Embassy and the State Department that the ICM is the backbone of human rights reporting in Haiti. Its fact-finding activities are both accurate and essential, and any statement or implication to the contrary does not represent the position of the U.S. Government.

I just want to underscore this point in concluding by indicating that Ambassador Swing who I spoke with yesterday and have fre-

quently been in touch with over the course of the last week regularly joins the ICM to denounce human rights abuses and confronts the military with their culpability. He has personally visited the sites of some of the worst human rights violations, including Raboteaux, the scene of a massacre in April, and in December I traveled to Haiti to present a posthumous human rights award, the First Annual Human Rights Award, to Guy Malary, and his family accepted the award at a large public ceremony in Port-au-Prince. [The prepared statement of Mr. Shattuck follows:]

#### PREPARED STATEMENT OF JOHN SHATTUCK

Thank you, Mr. Chairman, for allowing me the opportunity to testify today. I will address the human rights situation in Haiti. The broad political and strategic issues in U.S. policy toward Haiti have already been discussed by Ambassador Gray. Sadly, this does not mean that I do not have much to tell you today. On the contrary, there is much to say because the human rights and democracy picture in Haiti is grim.

The democratically elected government and its representatives are in exile or are unable to exercise their authority. Those who exercise effective power in Haiti do so as a result of their illegitimate and violent overthrow of President Aristide. The military and their allies—the police, the attaches, the section chiefs, the aptly named FRAPH—The Front for Advancement and Progress in Haiti, or “punching blow” in French—maintain their control through brute force, now thinly veiled by the bogus regime of Emile Jonassaint. (Parenthetically, the FRAPH announced last week that their acronym now stands for the Armed Revolutionary Front of Haitian People.) The United States has taken a leading role in United Nations and Organization of American States efforts to dislodge the illegal regime, and last week we acted to further tighten sanctions.

Mr. Chairman, the human rights record of the de facto regime is appalling.

Let me begin by turning back to 1993. The first half of 1993 was a period of relative—and I stress relative—quiet marked by the presence of the UN/OAS International Civilian Mission (ICM) of human rights observers. Tensions and human rights abuses began to rise in Haiti in July and August as the international community undertook efforts to implement the Governors Island Accords. The number of politically motivated killings in Port-au-Prince rose at that time, culminating in the brutal assassinations of pro-Aristide activist Antoine Izmary in September and Justice Minister Guy Malary in October.

In the wake of the military regime's failure to implement the Governors Island Accords, the ICM observers withdrew for security reasons, removing one of the few effective restraints on political violence. The ICM monitors returned in January of 1994, but only at partial strength, and even now there are only 69 in the country, all stationed in Port-au-Prince. Human rights abuses have remained very high throughout this period and have qualitatively and quantitatively worsened in recent months.

In April, following several shocking reports from our embassy, the ICM, non-governmental organizations in Haiti, and the media, the State Department issued a statement denouncing the political violence and holding the military ultimately responsible.

The violence reported, then and now, included deeply disturbing reports of almost nightly raids on neighborhoods where many Aristide supporters live. A new element to those reports was the use of rape against family members of political activists, the abduction of children, and the disfigurement of victims' faces.

A brief chronology of egregious examples of the escalating human rights abuses, reflecting the best of our knowledge of the situation, illustrates the deterioration of the situation over the last six months:

- On December 27 of last year, a fire in the Cite Soleil section of Port-au-Prince destroyed some 200 dwellings, killed four people and injured 61. We believe that the fire was set by FRAPH in retaliation for the killing of one of its members.
- On February 3, a house occupied by pro-Aristide activist youth was surrounded, and eight to nine youths were killed when the military opened fire.
- On that same day, the military fabricated an attack by Aristide supporters, the so-called “Lavalas Commandos,” to justify terrorizing and beating residents in the vicinity of the south claw city of Les Cayes. One elderly man was beaten to death, and the military subsequently attacked those who attended his funeral.

- On March 23, five ICM observers were harassed and physically abused in the central plateau town of Hinche by plainclothes military and FRAPH members. ICM reported increased lawlessness in the region, and that FRAPH members and soldiers were shooting up neighborhoods and committing burglary and extortion with impunity.
- In late March, the Embassy and the ICM reported concerns about the increased use of rape and other violence perpetrated against the families of persons opposed to the military.
- On April 18, soldiers opened fire on slum-dwellers in the pro-Aristide area of Raboteaux in Gonaives, killing perhaps as many as thirty.
- On May 23, a dozen right-wing gun-men—probably FRAPH—hunted down and brutally killed four Aristide supporters in Cite Soleil.
- On May 27, the reestablishment of the Ton Ton Macoutes was announced.

And the daily abuses continue. For instance, on June 21, one employee of the Petionville mayor's office was severely beaten, and another imprisoned, for unwittingly violating a new decree that the Haitian flag not be lowered until so-called international oppression of Haiti ends. On June 15 in Port-au-Prince, a labor activist was beaten and fatally shot in front of her three young children.

The ICM, NGOs operating in Haiti and the Inter-American Commission on Human Rights, share our judgment that the human rights situation is worsening in Haiti.

Most recently, a delegation from the Inter-American Commission visited Haiti from May 16 to 20. They found that the human rights situation in Haiti had "deteriorated seriously" since their last visit in August 1993. The delegation identified 133 cases of extrajudicial killings between February and May 1994. It found that a new practice of leaving severely mutilated corpses on the street to terrorize the populace was being used. The delegation also found evidence of rape and sexual abuse committed against the wives and relatives of the regime's opponents and interviewed 20 of the victims. It also identified numerous cases of arbitrary detention, disappearances, and torture. The delegation attributed full responsibility for the deteriorating situation to the de facto authorities: the military and their puppets. This is a conclusion which we fully share.

The key to ending these abuses is to resolve the crisis by removing the military from power and restoring President Aristide to his rightful position.

We are urging the UN and the OAS to maintain the number of International Civilian Mission observers, and, if possible, to augment their number. At the same time, we are committed to strong and continuing human rights reporting by our embassy political officers. Our embassy cooperates closely with the ICM and offers logistical support for its efforts. The U.S. has also pledged \$13 million dollars to fund the operation.

Ambassador Swing regularly joins the ICM to denounce human rights abuses and confronts the military with their culpability for those abuses. The Ambassador has personally visited the sites of some of the worse human rights violations, including Raboteaux, the scene of a massacre in April. In December, I joined the Ambassador in a visit to the site of Justice Minister Malary's assassination. At that time, we also initiated an annual human rights award to Haitian human rights activists. Ambassador Swing and I presented the first of these awards posthumously to Mr. Malary, whose family accepted the award at a large public ceremony at the Ambassador's residence; USIS grants have also been made to local human rights activists.

We are also maintaining—and actively considering ways to enhance—our support for the brave men and women of Haiti's human rights groups, doing noble and dangerous work in the face of overwhelming difficulties.

The situation in Haiti is grim. But the world cares about what happens there, and the dictators are on notice of that fact. Let me reiterate Ambassador Gray's pledge that we are committed to taking all necessary steps to restore the democratically elected government and respect for human rights, to Haiti.

Senator DODD. John, I appreciate your comment on the letter from Ambassador Swing. I am looking at a letter from John Leonard sent to Mr. Martin, and will ask that it be included in the record here.

[The information referred to follows:]

UNITED STATES DEPARTMENT OF STATE,  
WASHINGTON, DC, 20520,  
(postmarked June 20, 1994).

Mr. Ian Martin,  
Senior Associate,  
Carnegie Endowment for International Peace,  
2400 N Street, NW, Washington, DC, 20037-1153

DEAR MR. MARTIN: Thank you for your letter of May 26 concerning the contents of a cable that had appeared in the press recently. I have been asked to reply on behalf of the Deputy Secretary.

After receiving your letter, I reread the cable in question. Clearly, it needs to be viewed in its proper context. The Embassy in Port-au-Prince consistently and abundantly reports on the complex human rights situation in Haiti. These many reports demonstrate the high level of concern the U.S. Government has over the deteriorating situation, and the respect that we have for the various organizations, including most notably the ICM, that monitor the human rights situation.

The Embassy's job is to report the facts as it sees them. Our Embassy reporting officers, in whom we place great trust and in whose integrity we have complete confidence, routinely investigate human rights abuse cases. While the ICM and the Embassy may occasionally differ on interpretations of specific events or aspects of the situation, the thrust of the Embassy's reporting is that the Haitian military and its allies are the primary cause of the human rights violations in Haiti. In this conclusion is certainly no disagreement between ICM and the U.S. Embassy.

In conclusion, I would like to underscore the commitment of the U.S. Government, the U.S. Embassy in Port-au-Prince, and our Ambassador and his staff there to the protection and promotion of human rights in Haiti. I also believe that ICM plays a vital role in Haiti, especially so as the human rights situation worsens.

Thank you for bringing your concerns to our attention. Please feel free to write again if I may be any further assistance.

Sincerely,

JOHN P. LEONARD,  
Director, Haiti Working Group.

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CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE,  
May 26, 1994.

Mr. Strobe Talbott,  
Deputy Secretary of State, U.S. Department of State,  
Washington, DC, 20520

DEAR MR. TALBOTT: I was from April to December 1993 Deputy Executive Director/Director for Human Rights of the OAS/UN International Civilian Mission in Haiti. In that capacity, I was in periodic contact with officials of the U.S. Embassy in Port-au-Prince, and also had the opportunity to brief Assistant Secretary Alexander Watson on the human rights situation when he visited in Haiti in September 1993.

I am writing now in connection with the communication dated April 12 from Ambassador Swing which has been cited in Newsweek, the Miami Herald, the New York Times and elsewhere. I have read this communication in its entirety, and am deeply disturbed by it, although I also have to say that it confirmed concerns I had from my own experience during 1993.

The most widely quoted conclusion of the communication is the allegation, set forth in its summary, that:

"The Haitian left manipulates and fabricates human rights abuses as a propaganda tool, or wittingly or unwittingly assisted in this effort by human rights NGOs and by the ICM."

This is a slur on both the competence and the integrity of the ICM. Although I have had no responsibility for the ICM's reporting since its return in 1994, as Director for Human Rights I played a major role in selecting its personnel, especially those with the central role in its research and investigation department. I did so with the highest regard to the care and objectivity of human rights reporting, to which I had previously been committed in my work for Amnesty International (of which I was Secretary General from 1986 to 1992, and before that Head of the Asia Region of its Research Department). I was fortunate to be able to recruit a number of people with solid experience in human rights fact-finding, in previous positions with the United Nations and with NGOs of proven authority, and with them was responsible for the training of observers and other human rights staff of the ICM.

Some of these experienced staff have again been responsible for the ICM's reporting in 1994, under the direction of Colin Granderson and Tiébilé Dramé, whom I know to be persons of the highest integrity.

I also wish to say that the ICM's experience in its extensive contacts with Haitian human rights NGOs was that they made whatever efforts they could in very difficult circumstances to establish the facts regarding specific violations, and were certainly not involved in the "fabrication" of abuses.

When I attended the National Security Council briefing on Haiti on May 13, where this communication was referred to, I said that this allegation required an on-the-record retraction and apology. I continue to feel strongly that this is the case, and am so far unaware of any such statement.

There are many other disturbing aspects of the communication, especially the suggestion that incidents of rape reported by the ICM are a case of "violence as propaganda." No evidence whatever is advanced for this; there is no indication that the Embassy has attempted its own investigation of these incidents; and I understand that the Embassy made no attempt to probe the evidence the ICM had collected, including medical examinations.

I had the experience in 1993 of seeing a communication from the Embassy supposedly based on a meeting with me and a senior colleague, in which our assessment of the human rights situation at the time was substantially distorted. I also wrote to Assistant Secretary John Shattuck on February 3, after the State Department human rights report was published, setting out why, in my opinion, despite positive comments on the credibility as well as the effect of the presence of the ICM and citations of our findings, the Haiti section of the report did not correctly reflect the ICM's published or private assessment of the nature and extent of human rights violations.

I very much welcome the strong concern President Clinton and members of the administration have expressed regarding the human rights situation in Haiti in recent statements. The administration has also expressed a desire to see the work of the ICM extended, and must therefore be concerned that its morale and credibility is not undermined. I hope you will agree that a clear repudiation of what has become public and an insistence on more objective human rights reporting from the Embassy in Port-au-Prince are essential in this context.

I am sending copies of this letter to Assistant Secretary Watson, Assistant Secretary Shattuck, and Deputy Assistant to the President, NSC, Samuel Berger.

Yours sincerely,

IAN MARTIN,  
*Senior Associate.*

Senator DODD. It is postmarked June 20, a few days ago, and it is not quite the same letter that Ambassador Swing sent. There are totally different reactions to the criticism. Are you familiar with this letter, as well?

Mr. SHATTUCK. I have seen that letter, Senator, and I am aware that it has been sent. I think that it states broadly the importance the role of the ICM. I do not think it takes the personal approach of Ambassador Swing, who has been on the scene and has written the kind of letter that I have described which I think is an appropriate response with respect to the reporting that came directly out of the Embassy.

Senator DODD. Here he says the Embassy's jobs is to report the facts as it sees them, in effect restating, I gather, the cable. And yet Ambassador Swing's letter admits in effect that the cable was incorrect. They seem to be totally inconsistent responses.

Mr. SHATTUCK. Well, I think the Ambassador is, as I say, on the scene, and I think he is aware of the circumstances regarding the nuances and ways in which reporting may be coming out of the Embassy. I also want to point out that this particular cable is one of literally hundreds that have been coming from the Embassy. The policy of the United States has become, in all the ways that have been described in the earlier portions of the hearing, particularly aggressive vis-a-vis the regime. That policy has been significantly

affected by the human rights reporting, not only from the Embassy but of course from the international monitors of the UN, the OAS, and nongovernmental organizations.

Senator DODD. Thank you very much, John. Mark, please bring the microphone closer so we can hear you.

**STATEMENT OF HON. MARK SCHNEIDER, ASSISTANT ADMINISTRATOR FOR LATIN AMERICA AND THE CARIBBEAN, AGENCY FOR INTERNATIONAL DEVELOPMENT**

Mr. SCHNEIDER. Thank you, Mr. Chairman. I also submit my statement for the record and I will summarize it.

Mr. Chairman, the people of Haiti have been living in an ever deepening state of crisis brought on by the September 1991 coup by the military and its small band of antidemocratic supporters. The de facto regime is stealing government resources. The military and paramilitary forces have shown total disregard for human rights. They have brought desolation and chaos to Haiti.

The illegitimate dictators of Haiti are alone and isolated, with the weight of nearly the entire world thrown against them. They have no allies, no friends, and no future. The return of constitutional government to Haiti and the restoration of President Aristide must be the next step in this process.

Until that happens, the United States in concert with other donors will continue to provide humanitarian assistance to mitigate the effects of the crises on the Haitian people. Together with other donors we are now feeding more than 1.4 million Haitians each day at about 2,500 feeding centers in schools, hospitals, orphanages, and community-based canteens.

The U.S.-sponsored programs alone are feeding approximately 980,000 Haitians. We are attempting to increase that to 1.3 million.

The programs are operated by CARE, the Catholic Relief Services, and the Adventist Development and Relief Agency. I think we should all take pride in the heroic efforts of those volunteers working in the field under the most difficult circumstances.

In addition, we are carrying out and sponsoring with both private volunteer organizations and U.S. and Haitian NGO's health services and AIDS prevention services accessible to about 2.2 million of Haiti's people.

At the same time, somewhat in response to the increase in human rights abuses, killings, and disappearances that have been mentioned, USAID is working to design a human rights fund to provide direct assistance through Haitian NGO's directly to the victims and their families.

Obviously, while our humanitarian assistance program is designed to relieve some of the pain and suffering, ultimately only the restoration of democracy will allow each Haitian to enjoy basic human rights.

As both you and special advisor Gray have emphasized, in the immediate aftermath of the departure of the illegal military de facto regime, Haiti and President Aristide will face a devastated economy, a breakdown of law, and collapsed public institutions.

In that context the international community has begun to consider how it can respond immediately upon the return of President Aristide.

There are three things that are essential. First, the humanitarian support system for the most vulnerable of Haiti's population must be maintained.

Second, the economy must be reactivated, jobs created, farmers given access to seed and credit, businesses assisted in reopening their doors, and normal commerce restored. Small entrepreneurs will need assistance to get started again.

Third, highly visible actions are required to demonstrate that the restoration of basic public services has begun. We need to finance government operations in the first several months before normal tax revenue can begin to flow and before international financial flows can be restored.

In that context, as you mentioned, we need to talk about, preparing and supplying health clinics, schools, undertaking urgent public works projects, et cetera.

I believe we supplied the committee with a chart which attempts really to summarize the very detailed emergency economic recovery plan that was produced about a year ago in conjunction with the World Bank, the UNDP, ourselves, and other international donors that focused on several aspects of the recovery program including infrastructure, agriculture and industry, and public social services.

That part of the plan was estimated to require about \$195 million, and the emergency economic recovery plan within the overall context of recovery was a portion of total need. In addition to that, as my testimony notes, we have to consider clearing arrears for the international financial institutions, beginning to deal with the problem of balance of payments and dealing with other aspects of rebuilding the government structure.

Senator DODD. Was this a U.S. commitment, or was it worldwide?

Mr. SCHNEIDER. This is a worldwide consideration of what was needed with some estimates by the international financial institutions of what they were ready to program, including projects that they had frozen that they would restart after an economic program is put together in conjunction with President Aristide.

Senator DODD. I will put these in the record, the Haiti Recovery Plan, First Year.

[The information referred to follows:]

#### **Haiti Recovery Plan—1st Year**

[Approximately \$500 million]

Economic recovery—60 percent

Humanitarian—15 percent

Govt./Political Institution Building—25 percent

#### **Emergency Economic Recovery Plan—EERP—1993**

[\$195 million]

Infrastructure—48 percent

Agriculture and Industry—26 percent

Public Social Services—26 percent

Senator DODD. So, it is \$500 million the first year and \$195 million in 1993?

Mr. SCHNEIDER. That \$195 million was the estimate last summer of cost after restoration. That would be necessary until the economy begins to recover.

You have to maintain the humanitarian program, carry out this emergency economic recovery plan, and clear the arrears that the Haiti Government faces. Last September the arrears was \$42 million. Now it's \$70 million. And in addition, the government needs to function. So, everything that we looked at last year essentially is as bad or worse.

In that context, we have begun to talk with the international financial institutions, the United Nations, the UNDP particularly, and bilateral development agencies of other countries. I would say that they are all essentially ready to participate in refining the plan that was done last year, taking account of the current situation and the increased chaos on the ground in Haiti, and then to begin to respond with resources. And we have begun to talk with them about how that can move forward with President Aristide as soon as the solution to the crisis takes place.

Senator DODD. Thank you very much.

Mr. SCHNEIDER. Could I say, Mr. Chairman, there is one last point. Obviously there is a price in helping Haiti rebuild, but it is a price with a purpose, a price to be borne in the highest and finest traditions of the American people.

Haiti will need the world's help not as a dole but to give the Haitian people a chance for rebuilding a fair, just, and democratic society, a chance at healing the violence that has seared their land, a change at creating a nation in which they can raise their families without having to fear for their lives.

Thank you.

[The prepared statement of Mr. Schneider follows:]

#### PREPARED STATEMENT OF MARK L. SCHNEIDER

Thank you, Mr. Chairman and Members of the Committee.

The people of Haiti have been living in an ever-deepening state of crisis brought on by the September 1991 coup by the military and their small band of anti-democratic supporters. The de facto regime is stealing government resources and the military and paramilitary forces have shown a total disregard for human rights. They have brought desolation and chaos to Haiti.

The economy is devastated; the rule of law has completely broken down since Minister Malary was assassinated on the streets of Port-au-Prince last October; the social sector has collapsed—only food and health programs sponsored by the United States and others in the international donor community are protecting many of the poorest Haitians.

In the past days, this crisis has intensified. The illegitimate dictators of Haiti are alone and isolated with the weight of nearly the entire world thrown against them. They have no allies, no friends, no future.

Haiti is now in the grip of such powerful international measures that a resolution is inevitable. The return of constitutional government to Haiti—the restoration of President Aristide—will be the next step.

Until that happens, the United States, in concert with other donors, will continue to provide humanitarian assistance to mitigate the effects of the crisis on the Haitian people.

The United States and other donors now are feeding some 1.4 million poor Haitians each day at 2,500 feeding centers in schools, hospitals, orphanages and community based canteens. These U.S.-sponsored programs now reach about 980,000 Haitians and we plan to reach as many as 1.3 million. The programs are operated by CARE, Catholic Relief Services (CRS) and the Adventist Development and Relief



Agency (ADRA). We should all take pride in the heroic efforts of these people working in the field in the most difficult imaginable circumstances.

To reduce death and suffering among those most at risk from disease, an emergency health assistance program is providing critical medical, child survival, epidemiological surveillance, family planning and AIDS prevention services to about 2.2 million of Haiti's 6.7 million people. USAID-sponsored health services are delivered through nine U.S. private volunteer organizations, forty Haitian non-government organizations (NGOs), the Pan American Health Organization (PAHO) and the United Nations Children's Fund (UNICEF). These programs are being expanded to provide wider support for child survival efforts.

Canada and the European Union, among other international donors, are also actively working through local NGOs to provide relief.

The United States also supports a job creation program providing employment to the poorest Haitians to improve public sanitation, restore collapsing infrastructure, counteract environmental degradation and support small farmers. The program has provided jobs to more than 16,000 Haitians. One result has been the removal of 180,000 cubic meters of solid waste and sediment from the streets and drainage system of Port-au-Prince. We estimate that the income for each person employed provides for the basic food needs of up to five people, helping to relieve the strain on the feeding centers.

Support also continues for nongovernmental organizations working in the areas of human rights and strengthening civil society. The United States is currently funding three Haitian NGOs which provide civic education, legal aid and prison monitoring. Given the repression in Haiti today, implementation of these programs is extremely difficult. As a result, USAID has recently designed a human rights fund to provide direct assistance to human rights victims. The Fund will provide small grants to human rights groups for direct assistance to the victims and their families.

All of these efforts to assist Haiti's poorest are being conducted under extremely difficult circumstances. The shutdown of commercial air flights and the new sanctions impose new problems in moving supplies. We are taking a series of steps to insure the continued flow of necessary humanitarian supplies, including special exemption provisions incorporated by the Office of Foreign Assets Control (OFAC), expedited license procedures and help in arranging charter humanitarian flights.

Conditions in Haiti are changing minute-by-minute as the tighter sanctions hit home. We are doing what we can to ease the impact on the poor. We recognize the pain, but we must all recognize that it is absolutely essential that the constitutional government be restored. That is why the restrictions are in place. We must all remember the Haitian people are suffering because of repression by the only remaining military government in the Western Hemisphere, besides Cuba. Our humanitarian assistance program is designed to relieve some of this pain, but, ultimately, only the restoration of democracy will allow each Haitian to enjoy basic human rights.

Soon, we all hope, constitutional government will be restored, and Haiti can begin to rebuild. But in the immediate aftermath of the departure of the illegal military oppressors, Haiti will face:

**A devastated economy:** rampant inflation, soaring unemployment, empty government coffers; public employees clamoring to be paid; competing claims for almost zero financial capital; a wrecked infrastructure; no foreign exchange reserves to cover imports essential to sustain and reactivate the economy; and a projected arrears to the international financial institutions of \$70 million as of today, mounting to \$79 by the end of 1994.

**A breakdown of law:** non-existent rule of law; civic organizations stifled and their leadership in disarray; government ministries unable to carry out minimal functions; and distrust between those with opposing political views and no mechanisms to foster dialogue and reconciliation.

**Collapsed public institutions:** non-functioning government services; a breakdown of public health services; and a devastated primary school system with only one-third of all school age children enrolled and only 50 percent of the teachers literate and able to calculate a simple math equation.

As Special Advisor Gray has indicated, a modified United Nations Mission in Haiti is being designed and organized to help insure civic order following restoration of constitutional government.

Three fundamental actions are essential upon the return of President Aristide, and the international community is poised to assist in each.

First, the humanitarian support system for the most vulnerable of Haiti's population must be maintained. The food and health needs of the poorest of Haiti's citi-

zens will require continued external assistance. I can assure the Committee that the U.S. Government will continue to provide the bulk of that support through our U.S. and Haitian grantees. We would hope that the need for those programs would diminish over time as the poor in Haiti have opportunities to participate in the economic life of their country.

Second, the economy must be reactivated, jobs created, farmers given access to seed and credit, businesses assisted in reopening their doors and normal commerce restored. Small entrepreneurs will need assistance to get started again.

The formal definition of a new emergency recovery program will require the return of President Aristide and his economic team to their rightful place with the opportunity to put into effect sound economic policies. It also will require the participation of the international financial community, the United Nations system and the bilateral donor community.

A year ago, the World Bank and the UNDP, along with President Aristide's ministers, coordinated the international economic analysis to produce the Emergency Economic Recovery Plan (EERP). That \$195 million program, aimed at the first year restoration of essential private sector activities, was ready to be put in place when the military backed away from the Governors Island Agreement. In agriculture, roads, urban infrastructure, water, sanitation and basic services, the costs of recovery are greater today than at that time.

It is clear that those prior estimates are likely to be insufficient since both economic and institutional deterioration has worsened considerably during the past year. In addition, the level of financial chaos in Haiti has risen.

Clearing arrears and finding the foreign exchange assistance to cover imports, particularly food, during the first several months are likely to require the most urgent response of the international community.

Third, highly visible actions are required to demonstrate that the government is restoring basic public services. There will be urgent need to finance government operations during the first several months before normal tax revenues and international financial flows can be restored.

During this period, government ministries and public services normally delivered through municipalities likely will have to be reorganized, reformed and financed to repair and supply health clinics and schools, undertake urgent public works projects, assure functioning public utilities and restore everyday services. The ministries may well be starting from scratch in terms of basic equipment, materials and supplies.

Our initial estimates now clearly show that the total cost of the Haiti Recovery Program may well exceed \$1 billion over five years. The first year costs, in fact the first several months, are undoubtedly going to require front-loading of the support of the international community.

Special Advisor Gray noted the commitment of the administration to work with our colleagues to insure not only the return of President Aristide but the success of his restoration. The USAID mission in Port-au-Prince, along with an inter-agency U.S. Government team, is working to further refine the essential requirements of a Haiti Recovery Program. We obviously will be consulting closely with President Aristide on these matters.

At the same time, we have begun to consult with the other donors about their views on the costs of the Recovery Program, their own plans for providing support to Haiti and their willingness to join in organizing an immediate international response.

I am pleased to be able to report that the World Bank, the Inter-American Development Bank, the International Monetary Fund (IMF) and the United Nations, through the United Nations Development Programme (UNDP), are poised to participate in developing that response. The international financial institutions have two kinds of assistance available after restoration of legitimate government in Haiti. First, they are prepared to help on balance of payments support. Second, they have already planned infrastructure projects which were frozen and will be reactivated. Disbursements are expected to exceed some \$150 million for the first year.

In addition, many of the international bilateral assistance agencies also have planned allocations for a restored government. They have expressed to us their intention to respond across the board in the humanitarian, financial and development programs. Those commitments exceed several hundred million dollars for the first year to 18 months.

Although exceedingly uncertain, it is possible that as much as \$500 million could become available over this first time frame from all sources, including USAID's budget request for Fiscal Year 1995 of \$86 million.

Mr. Chairman, the design of a program for restoring Haiti, to be triggered by a return of constitutional government, is an ongoing work which will involve your

committee and the rest of the Congress, many elements of the executive branch, the constitutional government of Haiti, donor nations, international financial institutions and private volunteer organizations in and out of Haiti. There will be plenty of work to go around.

Haiti is in desperate condition, and success in rebuilding that often tragic land will require significant outside assistance. It is in the interest of the United States to make sure that assistance arrives.

There is a price, of course, in helping Haiti rebuild, but it is a price with a purpose, a price to be borne in the highest and finest traditions of the American people.

Haiti will need the world's help, not as a dole, but to give the Haitian people a chance at building a fair and just and democratic society, a chance at healing the violence that has seared their land, a chance at creating a nation in which they can raise their families without having to fear for their lives.

It will be the most important challenge the people of Haiti will ever face. It will be difficult to accomplish. Some will say it is impossible. But I believe with all my heart that it is possible. And, if it can be done—by Haitians with our help—it will set a new standard in the post-Cold War world. It will demonstrate that there is hope for all people—if they choose the path of peace, reconciliation and democracy.

Senator DODD. Thank you very much, Mark. Mr. Smith.

**STATEMENT OF FREDERICK C. SMITH, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE, INTERNATIONAL SECURITY AFFAIRS, DEPARTMENT OF DEFENSE**

Mr. SMITH. Thank you, Mr. Chairman. With your permission, I will summarize my statement and submit the text for the record.

Senator DODD. Thank you.

Mr. SMITH. The Department of Defense fully supports the President's goal of restoring constitutional government in Haiti. We are helping to enforce U.N. sanctions, providing support for migrant interdiction and refugee processing, providing security for U.S. personnel in Haiti, and preparing to participate in a revitalized United Nations mission in Haiti once circumstances permit.

Mr. Chairman, you asked that my testimony focus on steps being taken to enforce the economic sanctions embargo. Naval vessels of the USA Command are deployed around Haiti as they have been since President Clinton announced their deployment on October 15, 1993. Allied participation has included Canada, Argentina, France, the United Kingdom, and the Netherlands. Our ships operate under U.S. command and flag.

The Commander of Joint Task Force 120 is embarked aboard *USS Wasp*. Ten U.S. Naval vessels are assigned to Joint Task Group 120.1, nearly double the number we testified to before this committee in March.

Since its inception last fall, Joint Task Group 120.1 has inspected over 1,100 vessels. More than 100 ships have been denied passage to Haiti either because their cargoes were not fully accessible for inspection or because they carried prohibited items.

Three weeks ago we inaugurated a more strident enforcement regime to divert suspected violators to port for a thorough inspection process. This change has produce immediate, tangible, and gratifying results. The new enforcement regime has also had a deterrent effect upon vessels contemplating the evasion of U.N. trade restrictions.

Prohibited cargoes, which originally included only imported weapons and fuel, were expanded by U.N. Security Resolution 917 to include all commercial goods except humanitarian aid and food.

While previous inspection procedures diverted perhaps 1 vessel in 10, that number has now risen to approximately 1 in 4. Ships found carrying contraband are offered to the country of origin or are disposed at the behest of the flag state. These steps have produced a sharp decline in the number of vessels seeking to call at Haitian ports.

While maritime enforcement efforts have been effective, problems continue to plague attempts to stop the flow of fuel and other commodities across Haiti's land border with the Dominican Republic. Recent estimates suggest that contraband Dominican gasoline and diesel fuel satisfy approximately 40 percent of Haiti's pre-embargo consumption requirements. The price of gas in Port-au-Prince has dropped from as high as \$12 a gallon to \$4.59 per gallon.

Technical experts from the USA Command recently completed an assessment of the personnel and equipment requirements for a land border monitoring effort. We have also been working with the Dominican Republic Navy to establish procedures for cooperative enforcement in coastal waters. We expect these cooperative efforts to pay dividends in the coming weeks as the enforcement regime takes shape.

In addition to sanctions enforcement, the ships of Joint Task Force 120.1 support the Coast Guard's alien migrant interdiction operation. Under an agreement between the Department of Defense and the Coast Guard, ships of one force can be temporarily assigned to the tactical control of the other.

On May 8, President Clinton announced that we would implement new procedures to adjudicate asylum claims by Haitian immigrants interdicted at sea. The Department of Defense is supporting this operation with a hospital ship, the *USNS Comfort*, and chartered commercial vessels. The first such center is operating at Kingston, Jamaica.

The Turks and Caicos Islands Government has also agreed to establish a processing center on Grand Turk, 90 miles north of Haiti. And based on recent migrant activity, the administration is taking steps to increase the capacity at Guantanamo Naval Base.

As in other areas of tension, we stand ready to evacuate American citizens, should that become necessary. Currently, the threat to American lives and property in Haiti is low. Anti-American and anti-foreign sentiment could increase, however, as new sanctions begin to bite.

When a political settlement is reached, and upon the invitation of the Haitian Government, a decision by President Clinton, and after a consultation with Congress, the Department of Defense is prepared to participate in a U.N. mission to help train the Haitian military and assist in the transition to a constitutional government.

Specifically, we expect that a responsibility of the military component of a U.N. mission to Haiti will be to help Haiti's military attain a high degree of professionalism, train the Haitian police force, help maintain basic civic order, and protect international personnel engaged in humanitarian assistance efforts.

Planing for UNMIH is proceeding. There are, however, as Mr. Gray testified, no firm details to give at this time. U.S. forces deployed in support of a U.N. mission to Haiti will have the numbers,

equipment, and rules of engagement needed to carry out their mission and protect themselves.

The Department of Defense supports the administration's firm stand with the United Nations and other members of the international community in demanding that the Haitian military relinquish power to legitimate civilian authorities.

The twin imperatives of U.S.-Haiti policy—democratic reform and economic renewal—must be achieved if Haiti is to be secure and stable enough to sustain a viable government.

[The prepared statement of Mr. Smith follows:]

#### PREPARED STATEMENT OF FREDERICK C. SMITH

Thank you, Mr. Chairman, for this opportunity to describe the Department of Defense's role in supporting the Administration's Haiti policy.

The Department of Defense fully supports the President's goal of restoring constitutional government to Haiti. We are pursuing this policy through the coordinated efforts of international diplomacy, reinforced by economic sanctions against the military regime. Objectives of that policy include:

- to restore democracy to Haiti and the return of Jean Bertrand Aristide, Haiti's duly elected president;
- to assist the democratic government of Haiti in reforming and reorganizing Haiti's governmental institutions, including the police and military, to create conditions under which democracy can flourish and basic human rights are protected; and
- to promote economic renewal and sustainable growth.

The Department of Defense has played, and will continue to play, an active role in achieving these policy objectives. Specifically, our role is to: (1) help enforce UN sanctions, (2) provide support for migrant interdiction and refugee processing, (3) provide security for U.S. personnel in Haiti, and (4) participate in a revitalized United Nations Mission in Haiti once circumstances permit.

#### Sanctions Enforcement

Mr. Chairman, in your request for today's hearing, you asked that the Department of Defense focus on steps being taken by the United States and other governments in the hemisphere to enforce the economic embargo against Haiti's illegal military regime. That request is especially timely in view of recent measures adopted by the international community to increase pressure on Haiti's rulers to relinquish power and to enforce sanctions more effectively.

The Department of Defense is helping to enforce the UN embargo, an embargo whose scope has broadened considerably in recent weeks in tandem with efforts to make enforcement more credible and comprehensive. Naval vessels of the United States Atlantic Command (USACOM) are deployed around Haiti, as they have been since the President announced their deployment on October 15, 1993. Allied participation has included Canada, Argentina, France, United Kingdom, and the Netherlands.

Our ships operate under U.S. command and flag. The Commander, Joint Task Force 120 (CJTF 120), the task force to which this naval task group is assigned, is embarked aboard *USS Wasp*, now operating routinely in the Western Caribbean. Ten U.S. Naval vessels are assigned to Joint Task Group (JTG) 120.1—nearly double the number since we testified before this committee in March. This force includes destroyers, frigates, and a support ship, recently augmented by Cyclone-class fast patrol boats. These boats provide a near-shore interception capability that we previously lacked, thereby closing a major gap in maritime sanctions enforcement.

Since its inception last fall, JTG 120.1 has performed on-board inspections of over 1,100 vessels. More than 100 ships have been denied passage to Haiti, either because their cargoes were not fully accessible for inspection or because they carried prohibited items.

Three weeks ago, we inaugurated a more stringent enforcement regime that diverts suspected violators to port for a thorough inspection process. This change—coupled with enhanced sanctions and an expanded area of operations—has produced immediate, tangible, and gratifying results. The new enforcement regime also had a deterrent effect upon vessels contemplating the evasion of UN trade restrictions.

Prohibited cargoes, which originally were included only imported weapons and fuel, were expanded by UNSCR 917 to include both import and export of all commercial goods except humanitarian aid and food.

While previous inspection procedures diverted perhaps one vessel in ten, that number has now risen to approximately one in four. Whereas violators previously faced little more than the inconvenience of diversion from Haitian ports and the uncertain promise of eventual flag state prosecution, operators now face immediate loss of their vessel. Ships found carrying contraband are no longer returned to their crews, but are offered to the country of origin or are disposed at the behest of the flag state. Taken together, these steps have produced a sharp decline in the number of vessels seeking to call at Haitian ports.

While maritime enforcement efforts have been highly effective, problems continue to plague attempts to staunch the flow of fuel and other commodities across Haiti's land border with the Dominican Republic. Recent estimates suggest that contraband Dominican gasoline and diesel fuel satisfy approximately 40 percent of Haiti's pre-embargo consumption requirements. As smuggling networks have become more sophisticated and dispersed, the price of gas in Port-au-Prince has dropped from as high as \$12 per gallon to \$4.59 per gallon.

But here, too, we and others are moving aggressively to strengthen the embargo. Following up on the work of a UN survey team, which proposed a phased deployment of international observers along the Haiti-Dominican Republic border and in adjacent coastal waters, U.S. and UN officials have secured President Balaguer's commitment to curb massive smuggling activities.

Technical experts from USACOM recently completed an assessment of the personnel and equipment requirements for a land border monitoring effort. At the same time, we have been working with the Dominican Republic Navy to fashion procedures for cooperative enforcement in coastal waters. Several other nations have expressed a willingness to contribute to a multilateral border monitoring program. Although cross-border fuel smuggling remains a problem, we expect these cooperative efforts to pay dividends in the coming weeks as the enforcement regime takes shape.

The U.S. has instituted new controls on commercial air service to Haiti, as well as broad controls on financial transactions (other than small-dollar remittances by which Haitians working in the U.S. support relatives back home). Each of these steps will further isolate the military regime and increase pressure on Cedras, Francois, and Biamby to step aside.

### **Support for Migrant Interdiction and Refugee Processing**

In addition to sanctions enforcement, the ships of Joint Task Group 120.1 support, as necessary, the U.S. Coast Guard's Alien Migrant Interdiction Operation (AMIO). Under an agreement between the Department of Defense and Coast Guard, ships of one force can be temporarily assigned to the tactical control of the other. For example, a Coast Guard cutter may intercept, board, and inspect cargo vessels bound for Haiti. Likewise, Navy ships may interdict boats carrying Haitian migrants, though only the Coast Guard repatriates Haitian migrants found to be ineligible for refugee status.

On May 8th President Clinton announced that we would implement new procedures to adjudicate asylum claims by Haitian migrants interdicted at sea. To do this, we have established Migrant Processing Centers (MPCs) in the Caribbean. The Department of Defense is supporting this operation with a hospital ship, *USNS Comfort*, and chartered commercial vessels. The first such center is operating at Kingston, Jamaica.

These vessels house the Haitian migrants during their screening process. The Turks and Caicos islands government agreed, in principle, to establish a processing center on Grand Turk, 90 miles north of Haiti. Haitians approved for refugee status at either site will be moved to Guantanamo Naval Base for final arrangements for admission to the U.S. or resettlement in other countries.

### **Security for U.S. Personnel**

Currently, the threat to American lives and property in Haiti is low. Anti-American and anti-foreign sentiment could easily increase, however, as new sanctions begin to bite. We continue to monitor the threat and to maintain forces in an alert posture. As in other areas of tension, we stand ready to evacuate American citizens should that become necessary.

### **Support for a UN Mission**

When a political settlement is reached, and upon invitation of the Haitian government, a decision by the President of the U.S., and after appropriate consultation with the Congress, the Department of Defense is prepared to participate in a UN mission to help train the Haitian military and assist in the transition to constitutional government. The Department of State is consulting with members of the United Nations on composition, duration, and scope of activities of such a mission.

to ensure that it can safely carry out its mandate. Defense is working with other U.S. agencies to determine appropriate roles and missions.

We expect that a responsibility of the military component of a UN mission to Haiti will be technical assistance along the lines requested by President Aristide in a July 24, 1993 letter to the UN Secretary General. In his letter, President Aristide expressed hope that such assistance would help Haiti's military attain the degree of professionalism required to discharge its constitutional obligations, ensure the security and integrity of the Republic, help the nation in time of natural disaster, and carry out development tasks.

In a June 5, 1994 speech to the Organization of American States (OAS) Foreign Ministers, President Aristide called for a reconstituted and strengthened UNMIH that would also help maintain essential civic order and protect international and other personnel engaged in human rights and humanitarian assistance efforts.

On June 6, the Ad Hoc Meeting of Foreign Ministers of the OAS approved a resolution that endorsed President Aristide's report. The relevant provision of the resolution calls upon "all member states to support measures by the United Nations to strengthen the United Nations Mission in Haiti (UNMIH) in order for it to comply with its terms of reference to assist in the restoration of democracy through the professionalization of the Armed Forces and the training of a new police force, helping to maintain essential civic order, and protect international and other organization's personnel involved in human rights and other humanitarian efforts in Haiti." The U.S. supports this approach.

U.S. forces deployed in support of a UN Mission in Haiti will have the numbers, equipment, and rules of engagement needed to protect themselves and carry out their mission. For any U.S. military role in Haiti, we will have clear objectives, goals, and a delineated timetable for accomplishing mission objectives.

### Conclusion

The Department of Defense supports the administration's firm stand with the UN and other members of the international community in demanding that the Haitian military relinquish power to legitimate civilian authorities. We remain committed to helping establish a constitutional democracy in Haiti. We are helping enforce the embargo against Haiti, and we are prepared to safeguard American lives and property, if necessary. The twin imperatives of U.S. Haiti policy—democratic reform and economic renewal—must be achieved if Haiti is to be secure and stable enough to sustain a viable democracy.

Senator DODD. Thank you very much, Mr. Smith. Mr. Newcomb, thank you for being here.

### STATEMENT OF R. RICHARD NEWCOMB, DIRECTOR, OFFICE OF FOREIGN ASSETS CONTROL, UNITED STATES DEPARTMENT OF THE TREASURY

Mr. NEWCOMB. Thank you, Mr. Chairman. I am pleased to be here today to discuss the role and responsibility of the Office of Foreign Assets Control of the U.S. Treasury Department in the implementation and the enforcement of the economic sanctions program with respect to Haiti, relying on the President's powers under the International Emergency Economic Powers Act and the United Nations Participation Act.

In my remarks today I will discuss the increasingly restrictive economic sanctions that have been imposed against the de facto regime in Haiti, and that were recently augmented on June 21 by the Executive order affecting U.S. assets of all Haitian nationals residing in Haiti.

The U.S. Government has tightened sanctions against the de facto regime and its supporters through a series of measured yet increasingly comprehensive actions contained in eight Presidential Executive orders affecting assets blocking, financing, trade, and transportation restrictions.

At the outset of the Haiti crisis, the President signed an Executive order in October of 1991 blocking property of the de facto re-

gime, its agencies, instrumentalities, and controlled entities as well as the legitimate government of Haiti. Also, payments by U.S. persons to the de facto regime were prohibited.

In October of that year another Executive order banned most trade with Haiti. In June 1993 an Executive order specifically prohibited the sale and supply of arms and petroleum products to Haiti, and the use of U.S. registered vessels to carry those goods.

Following the failure of the military and the police in Haiti to fulfill their obligations in the July 1993 Governors Island Agreement, President Clinton issued an Executive order on October 18, 1993 which expanded the categories of blocked persons to include those who contributed to the obstruction of the agreements or the U.N. mission in Haiti, perpetuated or contributed to the violence in Haiti, or materially or financially supported those activities.

Following extensive coordination with the State Department, we named and designated 83 individuals and 35 entities as so-called specially designated nationals of the de facto regime in June 1993. Identification as a specially designated national targets specific individuals and front companies acting on behalf of the de facto regime.

An additional list was published in October 1993 with the names of 41 additional individuals categorized as blocked entities from Haiti.

The continued intransigence of the de facto regime, particularly the officers of the Haitian military in the face of the U.N. resolutions to produce a return of democracy to Haiti resulted in April 1994 in the designation of all officers of the Haitian Armed Forces as blocked individuals. That action has resulted to date in the addition of 550 named Haitian military officers to that list.

In May 1994, the President issued an Executive order implementing a tighter trade ban following an additional U.N. Security Council Resolution to deal with Haitian family members acting on behalf of the blocked individuals to evade the sanctions. Earlier this month, on June 2, we began identifying as specially designated nationals immediate family members of Haitian military officers and police, major participants in the coup d'etat of 1991.

We also began listing as blocked persons the members of the Jonassant regime and those Haitian legislators who have supported it.

On June 10, an Executive order prohibited the transfer of funds from or through the U.S. to Haiti, and to or through the U.S. from Haiti. Also on June 10, the President broadened the transportation ban by prohibiting future regularly scheduled commercial passenger flights by U.S. and Haitian air carriers.

Most recently, as a signal of the United States' seriousness and resolve, a further refinement was made to focus sanctions on those wealthy Haitian mercantile families who have been instrumental in supporting the de facto regime. In an Executive order signed on June 21, President Clinton blocked the U.S. property of all Haitian nationals residing in Haiti. While all Haitian nationals residing in Haiti fall within the Executive order's blocking provision, we will continue to identify by name those individuals associated with the business elite who are most likely to have assets with U.S. jurisdiction.



Senator DODD. Well, now, you were here to hear Mike Barnes. He went down a list of some people that I would assume were on the list. Why were they not?

Mr. NEWCOMB. The list is continually updated. As we get names that are available we put them on the list. More names will be designated soon. We have currently over 850 names.

Senator DODD. Why do we not just do it across the board? Is there a lot of resistance in the Treasury to this whole idea?

Mr. NEWCOMB. No, not at all. And, in fact, the President has already done that. What we are doing by adding additional names is specifically identifying, in addition to all who fit within the category, all Haitian nationals resident in Haiti. These particular person are something that our staff continually looks to, continually updates, and continually refines. And we have something under review as we speak.

Senator DODD. Well, how do you miss the previous cabinet? How do you miss the guy? I mean, this is not some obscure Haitian we are talking about.

Mr. NEWCOMB. Well, as we go through the names of individuals to be included on the list we work and coordinate with the State Department to make it as all inclusive as possible. And I anticipate those individuals we are speaking of will be included.

As I mentioned we have over 850 names and continue to work to augment that. Theoretically, every individual who is listed in the Haiti phone book could be on that list because they all fit the class of Haitian nationals resident in Haiti, so long as we can identify the nationality and the fact that they have been in Haiti within a recent number of months after the designation.

So, those names are included. Financial institutions know those names are included and are acting accordingly.

Senator DODD. Why do we not say that? I mean, it gets to the point of if you are on the side of this thing you begin to wonder whether or not people take it seriously. In the last panel, people pointed out that we seem to be sort of dripping this thing in. Why do we not make the statement that, in fact, that is what we are going to do?

Mr. NEWCOMB. Mr. Chairman, we have made that statement and I will submit to you today for the record the instructions being given to U.S. financial institutions where that is just unequivocally clear, and the names that we have sent out, that have been sent out by the Treasury Department throughout the Federal Reserve system to all U.S. banks that have international transactions.

That specific statement is included and was included from the date of the Executive order. That is what the President has done and that is what we have implemented.

We are now going through the process of naming names. Now we are a week into it. We are continually updating those names, something that is a dynamic process that is evolving. As long as we can be sure that they meet the standard, all Haitian nationals resident in Haiti, they will included and in effect they are included by the language of the Executive order and in our implementing instructions.

Senator DODD. To what extent have been in contact with the other nations, friends of Haiti, where a similar process is going on so to avoid the transfer, the obvious easy transfer?

Mr. NEWCOMB. Bilateral and multilateral consultations are taking place with regard to similar financial activities. That is in an ongoing process.

Senator DODD. Are we getting cooperation on this?

Mr. NEWCOMB. That is not something that I have been personally involved in but in meetings I have attended I have been told that that process is moving forward, yes.

I can amplify that further for you.

Senator DODD. I would like you to.

[The information referred to follows:]

As of late July 1994, the Office of Foreign Assets Control ("FAC") has identified 894 individuals and 36 entities are Blocked Individuals and Entities of Haiti. Of the individuals listed, 254 have been named principally because they qualify as Haitian nationals resident in Haiti under Executive Order 12922. The remaining 640 individuals, of whom 582 are military officers and 25 are military family members, fall within the criteria of one of the preceding Executive Orders. We believe that nearly all of these 640 individuals would fall within the criteria of paragraph 3 of United Nations Security Council Resolution 917.

The Department of State is the appropriate agency to discuss the U.N. procedures for Haitian individuals who may fit within the scope of UNSCR 917. However, it is our understanding that most of the 640 individuals specifically identified as meeting those criteria have had their entry to the United States suspended and have been recommended by the State Department to the United Nations for similar actions by other countries. FAC's designations of them have caused their assets with U.S. jurisdiction to be blocked.

Senator DODD. There is a sense of urgency about this. You know, it does not require a brain surgeon. If you have got assets in the People's Bank in Bridgeport, Connecticut and you are going to show up on a list, you move it to some bank in Canada or France or Venezuela.

Mr. NEWCOMB. I think the one important point here is that the administration is looking to work with other foreign governments. This action taken by the President was an action of the U.S. Government. It was not a multilateral requirement of the U.N. resolution.

However, we are working multilaterally to achieve that goal, and we are constantly refining these lists. This action took place on June 21. Here it is a week later, and we anticipate still further names.

So, I anticipate the exact goal you are after is something that we will achieve as more names become available. But it is by definition an all inclusive list—all Haitian nationals resident in Haiti.

Senator DODD. Thank you. Mr. McKinley.

Mr. NEWCOMB. Excuse me, I still have a few more comments.

Senator DODD. I am sorry.

Mr. NEWCOMB. In addition to the punitive blocking action against the de facto regime and its supporters which was reconfirmed and amplified by that Executive order, we previously blocked the Government of Haiti's U.S. property to keep it out of the hands of the de facto regime.

Acting on the foreign policy advice of the Department of State we have licensed periodic disbursements from blocked Government of

Haiti accounts to fund the official and diplomatic operations of the Aristide government both in the United States or abroad.

One of the most important elements of the Haiti program is the maintenance of an effective humanitarian assistance strategy. While we continue to administer a forceful sanctions program, we will never lose sight of the humanitarian needs of the Haitian people, and we will attempt to ensure that humanitarian goods will continue to flow.

The President's Executive order excludes nongovernment organizations which are engaged in humanitarian assistance or in refugee operations in Haiti. The Haitian business owners blocked in the Executive order lease property and provide services to the international humanitarian operations in Haiti, including the State Department's AID, and these business owners also control a significant portion of retail food sales in Haiti. We hope to facilitate humanitarian shipments through our licensing procedures.

To assist AID and its approved organizations in Haiti, we have issued a blanket authorization that makes case-by-case licensing by the Treasury unnecessary. After State or AID confirm that the humanitarian activities of a nongovernmental organization, or an NGO, are appropriate, we issue a registration number to the organization and specific instructions to enable the NGO to route funds to Haiti without having the payment order rejected or blocked by a U.S. financial institution. We have issued instructions to all U.S. banks, including their overseas branches, to honor transactions authorized for the NGO's.

A major concern in imposing tightened sanctions against Haiti has been to ensure that supplies of essential medicine and food continue to flow. The embargo exempts a number of commodities including rice, sugar, beans, wheat flour, cooking oil, corn, corn flour, milk, edible tallow, and medicine and medical supplies.

We have implemented a system in which payments related to the export of these commodities can flow freely through the United States banking system, and have instructed U.S. financial institutions holding accounts for Haitian banks to open special accounts to handle these authorized transactions.

We have also been working to secure exemptions for humanitarian flights to carry the exempt or U.N. approved shipments to Haiti.

Finally, with regard to enforcement, working through the bank supervisory agencies and the Customs service, our compliance and enforcement units have worked to provide the fullest enforcement at each stage of the Haiti sanctions program. Through our efforts to date we have assessed numerous monetary penalties against violators, seized and forfeited goods and merchandize.

Information provided to us by the maritime multilateral interdiction force operating in the sea lanes in Haiti has proven valuable in identifying vessels which have surreptitiously left the United States with contraband for Haiti. Vessels which are not U.S. flagged can be escorted to the nearest U.S. port, and the offending the cargo removed. Such vessels are then detained or released to the flag state for such action as they may take.

At each stage of the U.S. sanctions program against Haiti we have been mindful of the need to balance an effective sanctions

program with the need to maintain the essential flow of humanitarian goods. While pursuing sanctions measures calculated to apply real pressure to the *de facto* regime and its supporters in Haiti, we have provided either by exempting language or through the issuance of licenses means by which humanitarian shipments can continue. Thank you.

[The prepared statement of Mr. Newcomb follows:]

#### PREPARED STATEMENT OF R. RICHARD NEWCOMB

### U.S. ECONOMIC SANCTIONS ON HAITI

#### INTRODUCTION

Chairman Dodd and members of the Subcommittee, good afternoon. The Office of Foreign Assets Control of the Treasury Department is responsible for the implementation and enforcement of economic sanctions programs relying on the President's powers under the Trading with the Enemy Act, the International Emergency Economic Powers Act and the United Nations Participation Act with respect to various countries, including Haiti. In my remarks today, I will discuss the increasingly restrictive economic sanctions that have been imposed against the *de facto* regime in Haiti that were recently augmented on June 21, 1994 by the President's Executive Order 12922.

*The Stiffening Sanctions Against Haiti.*—The U.S. Government has tightened sanctions against the *de facto* regime and its supporters through a series of measured, yet increasingly comprehensive actions contained in eight Presidential Executive orders addressing asset blocking, financing, trade and transportation restrictions.

At the outset of the Haiti crisis, the President signed Executive Order 12775 on October 4, 1991, blocking property of the *de facto* regime, its agencies, instrumentalities, and controlled entities, as well as the legitimate Government of Haiti. Under this standard, following extensive consultation with the State Department, OFAC designated 83 individuals and 35 entities as Specially Designated Nationals ("SDNs") of the *de facto* regime in Haiti on June 4, 1993. Identification as a "Specially Designated National" targets specific individuals and front companies acting on behalf of Haiti. On October 8, 1991, Executive Order 12779 banned most trade with Haiti. On June 16, 1993, Executive Order 12853 specifically prohibited the sale and supply of arms and petroleum products to Haiti, and the use of U.S.-registered vessels to carry those goods.

Following the failure of the military and police in Haiti to fulfill their obligations under the July 1993 Governors Island Agreement, President Clinton issued Executive Order 12872 on October 18, 1993, which expanded the categories of blocked persons to include those who have: (a) contributed to the obstruction of the Agreement or the U.N. Mission in Haiti, (b) perpetuated or contributed to the violence in Haiti, or (c) materially or financially supported those activities. Using these criteria, a new SDN list was published on October 20, 1993, with the names of 41 individuals, categorized as blocked individuals or entities of Haiti.

The continued intransigence of the *de facto* regime, particularly the officers of the Haitian military, in the face of U.N. resolutions to produce a return of democracy to Haiti, resulted in April, 1994, in the designation of all officers of the Haitian Armed Forces as blocked individuals. That action has resulted to date in the addition of 550 named Haitian military officers to the list.

On May 21, 1994, the President issued Executive Order 12917, implementing a tighter trade ban. Following an additional UN Security Council resolution to deal with Haitian family members acting on behalf of the blocked individuals to evade the sanctions, on June 2, 1994, OFAC began identifying as SDNs immediate family members of Haitian military officers and police, major participants in the coup d'etat of 1991 or in any of the succeeding illegal governments. We also began listing as blocked persons the members of the Jonaissant regime and those Haitian legislators who have supported its. On June 10, 1994, Executive Order 12920 prohibited the transfer of funds from or through the U.S. to Haiti or to or through the U.S. from Haiti. Also on June 10, 1994, the President broadened the transportation ban by prohibiting future regularly scheduled commercial passenger flights by U.S. and Haitian air carriers.

Most recently, as a signal of the United States' seriousness and resolve, a further refinement was made to focus sanctions on those wealthy Haitian mercantile families who have been instrumental in supporting the *de facto* regime. Through Execu-

tive Order 12922, signed on June 21, 1994, President Clinton blocked the U.S. property of all Haitian nationals residing in Haiti. While all Haitian nationals residing in Haiti fall within the Executive order's blocking provision, we will continue to identify by name those individuals associated with the business elite who are most likely to have assets within U.S. jurisdiction. With the latest actions under Executive Order 12922 and the prior Executive orders, OFAC has designated a total of 894 blocked individuals and 36 blocked entities of Haiti. More will be designated soon.

In addition to the punitive blocking against the *de facto* regime and its supporters which was reconfirmed and amplified by Executive Order 12922, we previously blocked the Government of Haiti's U.S. property to keep it out of the hands of the *de facto* regime. Acting on the foreign policy advice of the Department of State, we have licensed periodic disbursements from blocked Government of Haiti accounts to fund the diplomatic operations of the Aristide government both in the United States and abroad.

**Blocking, Financial, Trade and Transportation Prohibitions.**—On June 21, 1994, the President signed Executive Order 12922 blocking all property and interests in property in the United States or in the possession or control of U.S. persons of (a) any Haitian national resident in Haiti; or (b) any other person subject to the previous Haiti Executive orders and Haitian citizens who are members of their immediate families. Excluded from this order is the property of nongovernmental organizations providing essential humanitarian assistance or conducting refugee and migration operations in Haiti, as identified by OFAC.

Executive Order 12922 takes the significant step of blocking the property of Haitian nationals who are owners of the principal Haitian businesses sustaining the *de facto* regime in Haiti. This new Executive order cuts off most business ties between the Haitian business class and the U.S. business community by blocking the assets of more than 250 prominent Haitian business owners and their families.

Under the Executive orders, trade and transportation with Haiti have been restricted. No Haitian goods or services may be imported into the United States, whether directly or through a third country, with the exception of publications and other informational materials. No goods, technology, or services may be exported to Haiti from the United States, either directly or through a third country, other than informational materials and certain humanitarian exports.

Vessel and air traffic to and from Haiti is also highly regulated. A vessel is prohibited from entering U.S. ports unless it demonstrates to us that its calls in Haiti were for transactions consistent with the U.S. and U.N. sanctions programs. In addition, virtually all flights to or from Haiti are prohibited, including regularly scheduled commercial passenger flights. The ban on commercial air service between the United States and Haiti will make visits to the United States for the Haitian business community less frequent and far more difficult. Cargo and charter flights carrying authorized humanitarian assistance to Haiti require approval from our office and the United Nations.

**Humanitarian Aid.**—One of the most important elements of the Haiti program is the maintenance of an effective humanitarian assistance strategy. While we wish to administer a forceful sanctions program, we will never lose sight of the humanitarian needs of the Haitian people and we will attempt to ensure that humanitarian goods will continue to flow. The President's Executive order excludes nongovernmental organizations which are engaged in humanitarian assistance or in refugee operations in Haiti. The Haitian business owners blocked in the Executive order lease property and provide services to international humanitarian operations in Haiti, including the State Department's Agency for International Development ("AID") and these business owners also control a significant portion of retail food sales in Haiti. We hope to facilitate humanitarian shipments through licensing procedures.

To assist AID and its approved organizations in Haiti, we have issued a blanket license that makes case-by-case licensing by OFAC unnecessary. After State or AID confirms that the humanitarian activities of a non-governmental organization ("NGO") are appropriate, OFAC issues a registration number to the organization containing specific instructions to enable the NGO to route funds to Haiti without having the payment order rejected or blocked by a U.S. financial institution. We coordinate such requests with either AID or State in order to be sure that the activities of the NGOs are consistent with U.S. foreign policy with respect to Haiti. As of June 23, OFAC had received 66 requests from humanitarian organizations to register projects in Haiti. OFAC issued instructions to all U.S. banks, including their overseas branches, to honor authorized transactions for NGOs. Accounts and transactions of Haitian citizen personnel who are verified as employed by registered NGOs will be excluded from blocking. In addition, registered NGOs have been au-

thorized to pay Haitian nationals who provide services to NGO-sponsored projects and to handle U.S. financing for local contractors working on NGO projects, provided that no debits are made to blocked accounts.

A major concern in imposing tightened sanctions against Haiti has been to ensure that supplies of essential food and medicine continue to flow. The embargo exempts a number of commodities, including rice, beans, sugar, wheat flour, cooking oil, corn, corn flour, milk, edible tallow, and medicine and medical supplies. We have implemented a system by which payments related to the export of these commodities can flow freely through the United States banking system and have instructed U.S. banks holding accounts for Haitian banks to open special accounts to handle authorized transactions. We are also streamlining the process of verifying the legitimacy of funds transfers involving the sale of exempt goods by U.S. exporters, while continuing our enforcement role in ensuring that unauthorized transfers do not flow between the United States and Haiti.

In a similar manner, we have been working with the Departments of State and Transportation and AID to secure exceptions for humanitarian flights to carry exempt or UN-approved shipments to Haiti. This process currently involves requesting and securing approval of the flight from the UN Sanctions Committee and coordinating approved flights with the FAA. The UN Sanctions Committee has approved a number of flights, and requests for others are currently being processed.

**Sanctions Enforcement.**—Working through the bank supervisory agencies and the Customs Service, OFAC's Compliance and Enforcement Divisions have worked to provide the fullest enforcement of each stage of the Haitian sanctions program. Through our efforts to date, we have assessed more than 120 civil penalties totalling nearly a million dollars against violators of various sanctions prohibitions, in addition to the amounts collected—and merchandise seized and forfeited—by the Customs Service for concurrent violations of the customs laws. Information provided to us by the maritime Multilateral Interdiction Force operating in the sea lanes to Haiti has proven valuable in identifying vessels which have surreptitiously left the United States with contraband for Haiti. Although such vessels, which are not U.S.-flagged, can be escorted to the nearest U.S. port and the offending cargo removed, authority to seize the vessel is lacking in either the applicable UN resolutions or Executive Orders, or in the underlying sanctions statutes. As a result, such vessels can only be detained for release to the flag state for such action as it may wish to take.

At each stage of the U.S. sanctions program against Haiti, we have been mindful of the need to balance an effective sanctions program with the need to maintain the essential flow of humanitarian goods to Haiti. While pursuing sanctions measures calculated to apply real pressure on the *de facto* regime and its supporters in Haiti, we have provided—either by exempting language or through the issuance of licenses—the means by which humanitarian shipments can continue.

Thank you for your invitation to appear here today. I would be pleased to answer any questions you might have.

Senator DODD. Thank you very much. Mr. McKinley.

#### **STATEMENT OF HON. BRUNSON MCKINLEY, ACTING DIRECTOR, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, DEPARTMENT OF STATE**

Mr. MCKINLEY. Mr. Chairman, I am going to be very brief. I have a prepared statement that I would like to submit for the record.

Senator DODD. It will be accepted.

Mr. MCKINLEY. Much of the material in it has already been covered by Bill Gray earlier and by my colleague, Mr. Smith, just now.

I would simply highlight something Bill Gray already mentioned and that is our pride and pleasure in having UNHCR and many NGO's associated with the refugee processing operation that we are running.

We are also very pleased with the degree of multilateral cooperation that we have encountered from the Jamaican, British, Turks and Caicos Governments, and many others who are willing to participate with the resettlement of the refugee population.

Finally, I have brought with me for yourself and other members of the committee and your staffs the most up-to-date statistics on the refugee flow. And we have, in the Refugee Bureau, begun to produce these on a daily basis. If you would like to get them on a daily basis I am sure I can arrange that so that you can keep track.

Senator DODD. I would appreciate that. Thank you.

Mr. MCKINLEY. We have some graphs and things that I think are useful in keeping posted on just how we are doing on the refugee processing.

One statistic I will leave with you, has to do with the screened-in rate, something that is a statistic of great interest normally. Screening at the Kingston shipboard operation is still in the early days. A total of 515 have been interviewed. This was as of close of business yesterday, or by the time I speak.

Of that number 165 had been approved as refugees and 350 denied which comes to 28 percent approval rate, and this matches very closely the recent results of our in country processing, which have been running around 30 percent over the last 6 to 8 weeks, although the overall approval rate in the in-country processing program, since it began 2 years ago, is at 23 percent.

But I put that on the record just to point out that there is rough comparability with the results in country and off shore.

[The prepared statement of Mr. McKinley follows:]

#### PREPARED STATEMENT OF BRUNSON MCKINLEY

Mr. Chairman, distinguished members, I am pleased to have this opportunity to discuss with you the work being done by the administration concerning the processing of Haitian boat people.

As you know, an integral part of the administration's review of its policy toward Haitians was the treatment of persons fleeing the island by boat. The President announced on May 8 that certain modifications to U.S. refugee policy towards Haiti will be made. Specifically, he stated that while Haitian asylum seekers will continue to be interdicted at sea, a determination of eligibility for refugee status will be made for those requesting asylum prior to any repatriation. Those persons found to be refugees are provided refuge. Those found not to be refugees are being returned to Haiti.

#### INTERNATIONAL COOPERATION IN PROCESSING

Deputy Secretary of State Talbott on June 2 signed a memorandum of understanding in Kingston, Jamaica, permitting the United States to process Haitians aboard vessels in Jamaica's territorial waters. The USNS Comfort is now at anchorage in Kingston. A second support ship and ancillary vessels are in place. The shipboard processing facility became operational June 15.

Now, nearly two weeks later, a total of 2,287 Haitians have been interdicted. Of these, 165 have been found to be refugees and 350 have been determined not to be refugees. Of the remaining 1,772, 210 are aboard the Comfort awaiting processing and 1,562 are aboard Coast Guard cutters en route to the Comfort.

We also reached agreement with the Government of the Turks and Caicos Islands on June 18 to use a site on Grand Turk Island as an on-shore processing location. Department of Defense personnel are presently on the ground working to construct the center. We anticipate that the processing facility will be operational in early July. Discussions on a number of issues relating to Haiti are also underway with the Government of the Bahamas, including refugee processing in the region.

#### AGREEMENT WITH UNHCR

The United States is very pleased with the UNHCR's cooperation and participation in the shipboard processing of Haitian boat people within the territorial waters of the republic of Jamaica.

The United States and UNHCR recognize that shipboard processing is an extraordinary measure, which the United States has undertaken as an alternative to inter-

diction and return. The goal of the United States and UNHCR remains establishment of an appropriate land-based processing center. Until such time as one is fully operational on Grand Turk, the United States and UNHCR intend to make every effort to ensure that shipboard processing provides protection and is procedurally fair to all. UNHCR has full access to the Haitians and their case files in the operation underway in Jamaica.

We are also pleased that UNHCR has entered into an agreement with prominent American voluntary agencies which have long experience in refugee processing, counselling, and resettlement. The voluntary agencies, acting through their coordinating body, InterAction, are providing teams of professionals and interpreters which are working directly with UNHCR to provide initial counselling to the Haitians brought to the Comfort. Involvement of organizations with specific experience working with Haitian asylum seekers in the United States are particularly valuable in these extraordinary circumstances.

Under the terms of the agreement, UNHCR has the opportunity to examine and review case files and to discuss INS determinations with Quality Assurance Officers. When a negative determination has been made and UNHCR believes that grounds for reconsideration exist, UNHCR counsels applicants concerning their cases and the possibility of reconsideration by INS. UNHCR has the opportunity to bring such cases—and the applicant's grounds for reconsideration—to the attention of the Quality Assurance Officer. The determination of refugee status, including any requests for reconsideration, are the responsibility of INS alone, but we welcome UNHCR cooperation. We are confident our procedures are fair and will withstand scrutiny.

### REFUGEE PROCESSING ABOARD SHIP

Let me describe for you briefly how the process has been working:

After interdiction, U.S. Coast Guard cutters transport the Haitians to the Comfort. The first priority is rest, food and emergency medical attention. Any persons requiring special assistance—for example, the disabled, young children—receive it. Department of Defense personnel use a special computerized identification system to create individual identity and family records. They issue identifying documents to the Haitians. A Public Health Service doctor is on board the vessel and Department of Justice Community Relations Service personnel assist with such social service issues as unaccompanied minors and conflict resolution.

Once the Haitians' immediate medical and personal needs have been attended to, UNHCR staff, and staff of nongovernmental organizations under contract to UNHCR, counsel the Haitians about refugee status determination, explain the purpose of the refugee program, and the processing steps involved.

Creole-speaking staff of the International Organization for Migration prepare cases for INS adjudication. Trained INS officers then conduct full refugee interviews of all persons, using interpreters provided by IOM. An INS Quality Assurance officer reviews each decision before it becomes final.

Those persons found ineligible for refugee status are repatriated to Haiti by Coast Guard cutters. Those persons approved for refugee status are transferred to Guantanamo Naval Base for further processing. Refugees who are to be resettled in the U.S. have their cases expedited. Refugees to be resettled or to be provided asylum elsewhere are assisted by UNHCR and U.S. government personnel to go to their new homes.

### ACCESS TO THE SHIPBOARD PROCESSING CENTER

The agreement between the U.S. and Jamaica calls for transparency in the operation. We want to be fair and to be seen to be fair. Maximum access to the processing center will be granted consistent with maintaining the safety of the ship and its staff, and consistent also with maintaining the confidentiality of status determinations and the privacy of the Haitians.

### SHARING THE REFUGEE BURDEN

In addition to cooperating in processing, UNHCR has indicated it will use its best endeavors to seek in third countries temporary protection or resettlement for persons determined to be refugees. This complements our efforts. We have approached States in the region and elsewhere, and requested that they accept approved Haitian refugees either temporarily or permanently. We have received commitments and/or encouraging responses from a number of countries. We will continue our efforts to convince other countries to take their fair share. The humanitarian crisis in Haiti is a serious problem for the international community and we hope that it will actively participate in its resolution.



## MONITORING RETURNEES

We have no way of knowing how many Haitian boat people will be found to be refugees, but many certainly will be returned to Haiti. Our experience thus far indicates that repatriated boat people are not targeted for retribution by Haitian authorities for unauthorized departure. As has been done for over two years, however, we will continue to monitor, through our Embassy in Port-au-Prince, the welfare of those who are repatriated.

## IN-COUNTRY PROCESSING WILL CONTINUE

As the President has emphasized, we believe our in-country refugee processing program remains the best and safest means for genuine refugees to have their claims heard. I want to emphasize that we will continue in-country processing. Our three in-country processing centers will continue to operate and to offer the best means for Haitians with a well-founded fear of persecution to have their claims adjudicated without undertaking a perilous sea journey. Even the suspension of commercial air service to Haiti will not stop our work. Preparations are being made to ensure that approved refugees can continue to leave Haiti as they are granted status.

## COMMITMENT TO HUMANE ACTION

The deployment of the Comfort to Jamaica and the establishment of the land-based refugee processing center in the Turks and Caicos are intended to be humane responses to a desperate problem. I don't pretend that these measures alone will alleviate the widespread suffering that is the lot of the Haitian people under the illegal regime. But it is our hope that for those who are bona fide refugees, the new program will offer protection.

That concludes my remarks. I would be pleased to answer any questions you may have about the processing of Haitian asylum seekers.

Senator DODD. All right, well thank you all very much. Let me just ask, if I can—you have covered a lot of the issues that I would have raised in questions with you, but let me come back.

First of all, Secretary Shattuck, I wonder if you might share with the committee what role you or your office played in helping to develop the instructions that have been given to INS interviewers in trying to determine as successfully as possible the nature of the refugee?

We heard earlier from Mr. O'Neill that he felt that an 1½ or 1 hour 45 minutes was an inadequate amount of time to make a determination, particularly when the end result is that people are going back. And we know now of some reports—and I will come back to Mr. McKinley because I want to find out what we know out and whether or not we are tracking successfully people who are sent back to determine what has happened to them so that the conclusions that we reach at one end are not producing unfortunate results at the other.

So, to what extent was your office involved in that?

Mr. SHATTUCK. Well, Mr. Chairman, these instructions and determinations of the way in which the processing would be conducted on these off-shore sites have been accomplished through an interagency process with a lot of involvement also by the UNHCR or the U.N. High Commissioner for Refugees.

Our office has had some input but not a great deal. But I think I can say that the care that is being taken with respect to each case is very serious, and the amount of weighing and evaluation of the information that goes on with respect to each interview is also I think quite serious.

As you can imagine this is a very difficult and challenging process. I have not had first-hand opportunity to observe it.

Senator DODD. Have you seen the questions that are asked? Do you know what kinds of questions are being asked?

Mr. SHATTUCK. Well, no, I cannot say that we are in the business of providing INS and others with particular questions that they are using. I mean, they are the same types of questions that are used with respect to refugee processing and determination of asylum claims. They also weigh human rights reporting from both the international monitors directly from Haiti in addition to the State Department reporting.

Senator DODD. Is this not a bit unique in this case in that a lot of the people we are talking about are in camps in hopefully neutral areas. In this case here we are making a decision about whether or not to let someone out or sending them back into a very serious, or what has been described and I do not hear any dissent on this, a very serious human rights situation.

Should there not be a heightened degree in this particular case given the option here? There is not some neutral ground we are talking about. You are either getting out or you are going back.

It seems to me there is a higher standard we ought to be testing here in meeting before making that decision to send someone back into a dreadful, potentially dreadful, dreadful situation.

And I am somewhat surprised to hear that the Office of Human Rights is not more involved in at least having some input in what questioning is going on with these people.

Mr. SHATTUCK. Mr. Chairman, I think the approval rates, the length of time taken for interviews, and the nature of the information that is being weighed, are all elements that we have had an involvement in. I am not going to hold out as an expert in the way in which the particular interviews are conducted. But I think the most important point to bear in mind here is that this process that is unfolding at these off-shore sites and, indeed, also in the in-country processing, as Mr. McKinley has pointed out, are showing results that reflect the deteriorating human rights situation in Haiti. A relatively higher percentage of cases are being processed out.

Senator DODD. What is the status of the human rights officer in Haiti in our Embassy? Is that a senior officer or is that a junior officer?

Mr. SHATTUCK. It is one of the political officers. There are several political officers and human rights reporting is done by a number of them. It is not simply a single person.

Senator DODD. Who is in charge? Is there not one person in charge?

Mr. SHATTUCK. Well, it is under the direction of the country team which is headed by the Ambassador. It is a relatively small embassy and it is operating under very difficult circumstances. But the human rights reporting is one of the elements there.

Senator DODD. Is there not an officer, a human rights officer, a political officer charged with that particular responsibility?

Mr. SHATTUCK. Yes, there are political officers who have heavy emphasis on human rights reporting, but they are likely to do other things as well.

Senator DODD. Is there one person responsible for that in our Embassy in Haiti?

Mr. SHATTUCK. The Deputy Chief of Mission and the Ambassador. I mean, we now have in every country in the world a human rights team that is headed by the Deputy Chief of Mission. That is the case in Haiti just as it is everywhere else. But there are going to be a number of individuals in the embassy who are going to do human rights reporting.

Senator DODD. I would like you to take a look at the questionnaires and what is going on, and maybe instead of having a full hearing I can discuss with you. I would like to know what your assessment is or send some people who would sit there and monitor the questioning that is going on.

Here again, given the uniqueness of the situation, it seems to me we ought to have a better handle. I appreciate traditional INS applications, but it seems to me we are not dealing with a traditional situation here. We are dealing with a very, very serious one. And if you could do that I would appreciate it very much.

Mr. SHATTUCK. I would be happy to do that, Mr. Chairman. Let me also point out that there has been a high degree of interagency and National Security Council involvement. This is a matter that we take very seriously. The National Security Council has in fact dispatched its principle human rights staff person to look into this situation. Obviously, Ambassador Gray and others have looked into it, and clearly Mr. McKinley and his operations.

We are also engaged in the process of producing the information that is weighed by those who are conducting the interviews, but I would be happy have to that for you.

Senator DODD. What is the condition here? Are we tracking the people who are coming back in, and how are you doing that with a reducing in that staff, Mr. McKinley?

Mr. MCKINLEY. That is a good question, Senator. We are making the best possible effort to monitor returnees. Ambassador Swing in Port-au-Prince has made that one of his top priorities. In fact, in the drawdown exercise, Bill Swing was asked to list his main priorities. And right after protection of American citizens came the refugee processing and monitoring of refugees along with human rights monitoring, and they are continuing to do that.

We continue to get human rights monitoring reports. Over 4,000 people have been monitored since the program began 2 years ago. It is admittedly difficult to do this under present circumstances, but they are making a very, very good effort.

Senator DODD. Is there a problem? Have our people faced a problem? Do we have any information that the people we have sent back have faced on any selective basis or generic basis significant harassment or human rights problems?

Mr. MCKINLEY. No, it does not appear the former boat people are targeted or persecuted for that reason. We are keeping a very, very close eye on that, of course.

We are also devising a system with the people that we are processing now in Kingston so that their names and biographic data are returned to the Embassy and make it easy to follow up.

Senator DODD. Now, when I was in Haiti a few weeks ago, the 4,000 number was mentioned to me that we are tracking. I was also told there were two people doing that job. Is that true?

Mr. MCKINLEY. Well, I think it is fair to say that there are more people than that doing the job because I think it is fair to say that the entire resources of the Embassy are devoted from time to time to this.

Senator DODD. The entire resources of the Embassy?

Mr. MCKINLEY. Well, aside from the Marine security guards. But the reporting officers, the substantive officers of the Embassy all travel, and that includes Bill Swing. He goes himself on trips. Political officers, economic officers, officers from the refugee side, they make trips, they go to the countryside, they report back. They look for returned boat people.

It is a very serious effort and a high priority by the Embassy, and I think they are doing it quite well.

Mr. SHATTUCK. Mr. Chairman, if I could just add, since I had occasion to talk to Ambassador Swing yesterday, apparently there have been in the last week two trips to Gonaives, and half a dozen other places on this very mission.

I think the point that is being made here is the Ambassador himself at this moment, along with other members of the country team, are directly involved in this monitoring of the repatriate issue because we are very concerned about that as the situation evolves.

Senator DODD. Well, I asked the question in Haiti, and I was told there were two people responsible for tracking 4,000 people. Obviously that is ridiculous on its face, and I appreciate the pressures here but given again the uniqueness of the situation it seems to me—I appreciate that you are saying the entire Embassy is concerned about this.

But I presume there are people whose job it is to specifically have files or whatever, names of people, and check. And I would be interested in greater specificity than everyone by the Marine guards kind of handling that situation.

Mark, let me ask you this if I can. Is this a possibility here, and I think all of us hope that this is the case, that tomorrow, next weekend, whenever, we could end up having the desired results here that President Aristide is heading back and the military leadership has departed.

Are you prepared to tell me today in your testimony here that this is already a plan that is a little old? This is one that has been prepared earlier. This is no up-to-date set of numbers here. How prepared are we and how quickly are we prepared, and to what extent has there been specific agreements reached with the international community, the international lending institutions to step in and respond to the economic condition in Haiti, because I think it is a very important part of this message to those down there wondering, you know, what comes next?

We are talking about a significant level of assistance for the international community to help put that country back on its feet again.

If I were down there deciding which side of the street I want to be on in this debate and I were to hear that the lead Agency in the United States—as I say, we are prepared almost immediately to respond to that situation. That might cause me to have some different reactions to the present situation in Haiti.

So, how quickly are ready to respond to this?

Mr. SCHNEIDER. Let me respond in three ways. First, we are prepared to respond immediately to that situation. We have begun to undertake a revision of that plan that you mentioned was put together a year ago and to look at what the new costs will be relative to the current situation.

That is number one. Number two is that we have met with the United Nations organizations, and the World Bank, and representatives of the Inter-American Development Bank, and the other bilateral donors, and essentially asked them whether they were prepared to move with us as soon as this opportunity arises, and they are.

Third, we have begun to talk with them about what steps are needed to do that: that is, putting together the kind of team that we put together a year ago to go in and, in conjunction with President Aristide and his people, essentially identify what has to be done immediately.

We know some of that. I mentioned earlier that there is a need to clear the arrears in order to permit the flow again of international financial institution funding. Projects are already on the shelf, frozen and ready to go in agriculture, industry, and commerce to shore up the health and education systems.

A year ago those arrears were around \$40 million. We had commitments and pledges to clear that. The arrears have now moved to \$70 million. One of the first steps that we have talked to the other donors about is moving to achieve a clearance of those arrears. That clearly is one of the first steps. That will immediately permit them—the IDB, the World Bank, and the IMF—to move forward with assistance of various forms, both balance of payments and particular projects. So, we have begun to do that.

Senator DODD. Is there a team assembled on this, a leader, someone responsible for it, keeping you posted how things are working on this? Have you designated anybody within the Agency to handle this?

Mr. SCHNEIDER. I have to tell you, Mr. Chairman, that we view this as one of our highest responsibilities. And I have been engaged personally in this and I will continue to do that in order to achieve that immediate kind of response. That has been the direction that the administration has given to me.

Senator DODD. We will not do it necessarily in a public setting here, but I would like to get a detailed memo as to what has been done, to whom we have talked, what commitments have been made. I want to know that.

I am hearing fuzzy stuff here, and I want to get a sense that there is a far greater sense of urgency about being prepared to act here.

Mr. SCHNEIDER. I understand. The problem in terms of commitments is that it does require a formal meeting after President Aristide has returned.

Senator DODD. Well, you know what I mean here. I am trying to get some sense here of whether or not this is more than just idle cocktail chatter.

Mr. SCHNEIDER. No, those commitments are there. In other words, we have had informal meetings with the donors in which we

in fact asked those very questions—what are you ready to commit and where can we go from here?

I can assure you that there is a very clear response, bilateral and multilateral, ready to move forward. And I think the people of Haiti should know that that exists.

In terms of the levels of resources that are required, as my testimony says, it is very clear that there are several hundred millions of dollars ready to move forward immediately after restoration.

Senator DODD. Mr. McKinley, we have seen an explosion in the number of people leaving in boats from Haiti in the last couple of days. You heard Senator Graham talk about the numbers. What can you tell us about that? Are these numbers going to continue to go up like that? Is this a blip that has something to do with a unique set of circumstances? What can you share with us?

Mr. MCKINLEY. Mr. Chairman, there is no explanation that I know of that would lead you to believe this is a unique set of circumstances. I think what we see is a natural response to our having initiated a humane policy for citizens of a country where people are forced to live in inhumane conditions.

So, I would say that these large numbers probably will continue. But, of course, this is just a guess. I know of no explanation for why yesterday and today we should have seen unusually large numbers.

Senator DODD. What is your general assessment here? Are we talking about economic refugees or political ones in your judgment?

Mr. MCKINLEY. Well, I think I would agree with what Bill Gray said earlier, that there is a mixed motivation and a mixed set of circumstances. But I think the figures speak for themselves.

After careful, individual interviews which are conducted by trained professionals and then checked by UNHCR we find, so far at least, 28 percent are able to pass the rather rigorous test of well-founded fear of persecution, and I think that speaks for itself.

Senator DODD. Well, I would like you to keep us posted on that, too, if you would.

Mr. MCKINLEY. We certainly will.

Senator DODD. And these numbers particularly. Mr. Smith, quickly, the Haitian military—why do you not give us an assessment of their capabilities.

Mr. SMITH. The Haitian military is pretty poor. It has poor training, weak leadership, low readiness, poor equipment, weak maintenance and logistics, and its discipline is tenuous. There is about 7,000 total personnel, but that also includes what they use for their police force.

Senator DODD. So, you do not anticipate any great difficulty from a military standpoint in dealing with this?

Mr. SMITH. I would not exactly characterize my feelings that way. I listened to Mr. Schultz' comments earlier. Initially, he said it would not be a difficult task, but then he proceeded to talk about a number of difficult problems that any military force would face there given the sense of nationalism. There would be snipers. Even if they are lightly armed, light arms kill, and there probably would be bloodshed.

Senator DODD. Now, again, I do not anticipate you to go into any great detail on this. I would just like sort of, to the extent you can,

a yes or a no. Are we taking steps to prepare for the option of exercising military force even though I realize, having listened to Mr. Gray's testimony, that we are using the sanctions and we are focusing on that?

But, again, sort of along the lines I have asked Mr. Schneider, Secretary Shattuck and others, are steps being taken to prepare for that possibility?

Mr. SMITH. I associate myself entirely with the previous comments by yourself and the Ambassador. It is an option. Military action is an option which President Clinton has said remains one that we could take. So, of course, the military planners are looking at this option.

Senator DODD. So they are going over and examining what the options would be and how they ought to be executed if it comes to that?

Mr. SMITH. Yes, sir.

Senator DODD. What role will the Department of Defense play in Radio Democracy? There is some discussion of these broadcasts which I think make some sense, but I am told that DOD may be involved in that as well.

Mr. SMITH. Yes, that is correct. We have been asked to support this effort of these radio broadcasts, and I could give to you some of the details of that operation privately.

Senator DODD. OK, but DOD is involved in that?

Mr. SMITH. Yes, sir.

Senator DODD. How soon do we anticipate that getting into place? Maybe you are not the right person to ask. Is there a timetable, assuming everything else is resolved here? I believe Mr. Gray said next week.

Mr. SMITH. I believe it is very soon.

Senator DODD. Mr. Newcomb, staff suggests I ask this. On the issue of licenses, have any individuals on the list subsequently been exempted by license from your office?

Mr. NEWCOMB. No.

Senator DODD. We would like to be kept informed as well, if you could, on this aspect and that is the extent and numbers of individuals being put on the list and who they are so that we can get some sense of that in terms of people who we would want to certainly apply that kind of pressure to.

Well, I have kept everyone a rather lengthy time and I apologize. There are dozens of more questions here. This is our second hearing on this subject matter. The first one was in March, then today.

There is certainly a very changed circumstance in the last few weeks. I would associate myself with the remarks of those who worry that this may have been a little late. I hope it is not. In terms of our response, I don't think it has to be if it is a credible response. I think we can achieve the desired results.

I want to ask unanimous consent that these reports on Hunger Relief and Development, Inc., be included in the record at this time as well.

[The information referred to may be found in the committee files.]

Senator DODD. With that there may be some additional questions that the members may have for the panels including this last one here.

I am particularly grateful to all of you who have spent the time to listen to others. I realize that is a burden and that is not always the way that we do the hearings, but I think it can be helpful and particularly to have an opportunity to respond. People say things and you ought to have a chance to answer them.

Oftentimes that is not the case. You go on and the critics come on, and we are left without having a chance to hear from you.

So, I appreciate your willingness to be here this afternoon and offering testimony. And many of us here have a great deal of interest in this subject and want to work closely with you to achieve hopefully the stated results that we all have for Haiti.

I am sorry, Mark, did you have a comment?

Mr. SCHNEIDER. Mr. Chairman, just one thing I want clear for the record. I am chairing an interagency working group that does include the other Agencies with respect particularly to the issue of that postcrisis plan. That is going to continue to meet, and I would be happy to respond in detail to your questions.

Senator DODD. We would like to be kept informed of that.

The committee will stand adjourned.

[Whereupon, at 5:35 p.m., the hearing was adjourned, to reconvene subject to the call of the Chair.]

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